

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

**DEFENDANT'S CROSS-DESIGNATIONS AND OBJECTIONS TO
PLAINTIFFS' DEPOSITION DESIGNATIONS FOR PRELIMINARY INJUNCTION HEARING**

EXHIBIT A

David Sweetin

Designation List Report



Sweetin, David

2024-07-25

Plaintiff Designations	00:34:26
Defendant Cross-Designations	00:46:28
Overlaps	00:51:15
TOTAL RUN TIME	02:12:09

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
8:09 - 9:08	<p>Sweetin, David 2024-07-25</p> <p>8:09 THE REPORTER: All right. Mr. Sweetin, if</p> <p>8:10 you would, raise your right hand and be sworn, please.</p> <p>8:11 (Witness sworn.)</p> <p>8:12 DAVID SWEETIN,</p> <p>8:13 having been first duly sworn, testified as follows:</p> <p>8:14 EXAMINATION</p> <p>8:15 BY MR. EDWARDS:</p> <p>8:16 Q. Would you kindly state your name for the</p> <p>8:17 record, sir.</p> <p>8:18 A. David Sweetin.</p> <p>8:19 Q. And you understand that you're here to testify</p> <p>8:20 as a corporate representative for the Texas Department</p> <p>8:21 of Criminal Justice, or, in this case, for Bryan Collier</p> <p>8:22 in his official capacity?</p> <p>8:23 A. Yes, sir, I understand that.</p> <p>8:24 Q. And you understand that the testimony you give</p> <p>8:25 is as if Bryan Collier in his official capacity is</p> <p>9:01 testifying and that you're representing his interests</p> <p>9:02 and the State's interests?</p> <p>9:03 A. That is correct.</p> <p>9:04 Q. And what have you done to prepare for this</p> <p>9:05 deposition today?</p> <p>9:06 A. I've reviewed policies that the agency has in</p> <p>9:07 place, I've had discussions with counsel, and done a lot</p> <p>9:08 of reviewing of documents.</p>	00:01:06	DS.1
19:25 - 20:09	<p>Sweetin, David 2024-07-25</p> <p>19:25 Q. (BY MR. EDWARDS) Is there a policy -- is there</p> <p>20:01 a policy, sir, that requires all prisons in TDCJ</p> <p>20:02 operation to be air-conditioned?</p> <p>20:03 A. Now you're saying all prisons? There is not</p> <p>20:04 one for all prisons, that is correct.</p> <p>20:05 Q. There could be, if Mr. Collier, or whoever led</p> <p>20:06 the Texas Department of Criminal Justice, decided there</p> <p>20:07 ought to be, correct?</p> <p>20:08 A. Again, we work under the direction of the State</p> <p>20:09 of Texas legislators and our Board of Criminal Justice.</p>	00:00:46	DS.230
20:10 - 20:15	<p>Sweetin, David 2024-07-25</p> <p>20:10 Q. Well, I'm just -- you know, earlier you told me</p> <p>20:11 that Mr. Collier was empowered to enact policy at the</p>	00:00:15	DS.2

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	20:12 department. Did you make a mistake or were you wrong 20:13 about that? 20:14 A. Not at all. No, Mr. Collier very much has the 20:15 ability to make that policy.		
20:16 - 20:18	Sweetin, David 2024-07-25	00:00:09	DS.231
	20:16 Q. Okay. I'm not asking you whether or not he has 20:17 the funds to fulfill it. Do you understand the -- look, 20:18 I don't know why you're fighting me on this. I think		
20:19 - 20:23	Sweetin, David 2024-07-25	00:00:15	DS.3
	20:19 the answer is obvious. Mr. Collier, despite knowing 20:20 about the requirement that all county jails are 20:21 air-conditioned, has not adopted a similar policy in the 20:22 Texas Prison System, has he? 20:23 A. He has not.		
25:01 - 26:01	Sweetin, David 2024-07-25	00:01:21	DS.232
	25:01 Q. Are you aware that a federal judge determined 25:02 that the warden, in his official capacity and the lead 25:03 administrator, head of the agency for the Texas 25:04 Department of Criminal Justice, in his official 25:05 capacity, acted with deliberate indifference to the 25:06 health and safety of the inmates at the Pack Unit? 25:07 A. I don't know specifically what the charge was, 25:08 but I do know that there was a lawsuit that we worked 25:09 through at the Pack Unit. I didn't read the actual 25:10 lawsuit. That was long after I had left the Pack Unit, 25:11 so I can't tell you specifically what that -- what those 25:12 documents said. 25:13 Q. Well, you were the Deputy Director For 25:14 Facilities when the order from the federal Judge, Keith 25:15 Ellison, came out. You've never read it, sir? 25:16 MR. CALB: Objection; asked and answered. 25:17 A. The Deputy Director For Facilities is not over 25:18 all the CID units. 25:19 Q. (BY MR. EDWARDS) Unfortunately, we're going to 25:20 be here a while. Do you understand that -- here's my 25:21 request, that you answer the question I ask. Do you 25:22 think that that's a reasonable request for me to make to 25:23 you? 25:24 A. Sure, and I think I'm doing that, sir. 25:25 Q. Okay. Well, let me -- I'll try again, then.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	26:01 Maybe it's me.		
26:02 - 26:07	Sweetin, David 2024-07-25	00:00:19	DS.4
	26:02 Did you ever read Judge Ellison's order		
	26:03 finding that TDCJ and its administrators, particularly		
	26:04 the head of the agency and the warden at the time, acted		
	26:05 with deliberate indifference in the way they failed to		
	26:06 protect inmates from the dangers of extreme heat. Did		
	26:07 you ever read that order?		
26:08 - 26:12	Sweetin, David 2024-07-25	00:00:09	DS.235
	26:08 A. I --		
	26:09 MR. CALB: Objection; beyond the scope.		
	26:10 Objection; asked and answered.		
	26:11 Q. (BY MR. EDWARDS) Did you say you hadn't read		
	26:12 it?		
26:13 - 26:14	Sweetin, David 2024-07-25	00:00:03	DS.5
	26:13 A. No, sir. I'm aware of it, but I have not read		
	26:14 it.		
26:15 - 26:25	Sweetin, David 2024-07-25	00:00:44	DS.233
	26:15 Q. You don't know what's in it, do you?		
	26:16 A. Some of it, yes, sir.		
	26:17 Q. Well --		
	26:18 A. You're asking me very broad terms, and I --		
	26:19 Q. I'm just asking if you read it and if you know		
	26:20 what's in it. You say -- How do you know some of the --		
	26:21 How do you know some of the things that are in it? How		
	26:22 do you -- Where does that knowledge come from?		
	26:23 A. Various meetings, adoption of certain		
	26:24 protocols, reaction to certain requirements. Our -- our		
	26:25 operating business going forward from that time.		
27:01 - 27:04	Sweetin, David 2024-07-25	00:00:13	DS.6
	27:01 Q. Well, one of the important things of that order		
	27:02 was that it highlighted the need to provide air		
	27:03 conditioning for inmates, right?		
	27:04 A. That is correct.		
27:05 - 28:08	Sweetin, David 2024-07-25	00:02:14	DS.234
	27:05 MR. CALB: Objection; beyond the scope.		
	27:06 Q. (BY MR. EDWARDS) And I hope you are, but I'll		
	27:07 ask. Are you aware that, you know, more than 20 people		
	27:08 have died because they were exposed to the heat inside		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	<p>27:09 the Texas Prison System since, let's say, 1998?</p> <p>27:10 MR. CALB: Objection; vague.</p> <p>27:11 A. I am aware that inmates have -- have passed away and that there are some that have been credited with heat being a cause of the factor, but not the -- or associated factor, but not necessarily the causal factor.</p> <p>27:16 Q. (BY MR. EDWARDS) What does that mean?</p> <p>27:17 A. That means that there was a series of -- of ongoing issues related to deaths. I don't know of any death that is -- is a direct result of heat by itself.</p> <p>27:20 Heat was -- was named as an associated factor, but not necessarily the causal factor.</p> <p>27:22 Q. Well, do you know that what you just said is patently false and not true?</p> <p>27:24 A. No, sir.</p> <p>27:25 MR. CALB: Objection --</p> <p>28:01 A. I'm speaking under oath. So if I misspoke, then --</p> <p>28:03 Q. (BY MR. EDWARDS) Well, that's why I was asking you. Did you misspeak when you said that there are no circum -- no deaths that were directly caused by exposure to heat?</p> <p>28:07 A. Is your question, that were directly related to heat?</p> <p>28:08</p>		
28:09 - 28:14	Sweetin, David 2024-07-25	00:00:19	DS.7
	<p>28:09 Q. No. My question was, is it your -- is it really your testimony, as the representative of the Texas Department of Criminal Justice, that there have been no deaths that were in the Texas Prison System that were directly caused by exposure to extreme heat?</p> <p>28:14 A. Yes, that is my testimony that --</p>		
28:15 - 29:09	Sweetin, David 2024-07-25	00:01:39	DS.236
	<p>28:15 Q. Okay. And my -- my question to you is, you know, knowing that to be not true -- not that you're lying, but that the statement you just uttered is not true, you -- you believe it is true, fair?</p> <p>28:19 A. Absolutely.</p> <p>28:20 Q. Okay. Do you agree that people dying as a consequence of exposure to extreme heat is a terrible</p>		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	<p>28:22 thing that needs to be remedied by the Department of</p> <p>28:23 Criminal Justice and its executive director?</p> <p>28:24 A. Yes, I would agree that any death is not a good</p> <p>28:25 death, anything that's associated with heat would not</p> <p>29:01 necessarily be good.</p> <p>29:02 Q. Well, I'd say it would be pretty terrible and</p> <p>29:03 bad. Would you agree with that?</p> <p>29:04 A. Sure, as if -- as any death would be.</p> <p>29:05 Q. Sure. Well, I mean, if you know about a</p> <p>29:06 dangerous condition in the Texas Prison System, it's the</p> <p>29:07 job of the director to -- to fix that dangerous</p> <p>29:08 condition, right?</p> <p>29:09 A. That would be a fair statement.</p>		
29:16 - 29:21	Sweetin, David 2024-07-25	00:00:21	DS.8
	<p>29:16 Q. And, you know, if there was one death or 20</p> <p>29:17 deaths, you would tell Judge Pittman, you know, if a</p> <p>29:18 dangerous condition that we know about is responsible</p> <p>29:19 for killing one person, we ought to do everything in our</p> <p>29:20 power to fix that dangerous condition and get rid of it,</p> <p>29:21 right?</p>		
29:23 - 30:03	Sweetin, David 2024-07-25	00:00:22	DS.9
	<p>29:23 A. Yes.</p> <p>29:24 Q. (BY MR. EDWARDS) And would you also tell Judge</p> <p>29:25 Pittman that you, as an agency, are doing everything in</p> <p>30:01 your power to fix the dangerous condition of extreme</p> <p>30:02 heat in the Texas Prison System?</p> <p>30:03 A. Yes, I would agree with that.</p>		
30:01 - 30:03	Sweetin, David 2024-07-25	00:00:13	DS.10
	<p>30:01 your power to fix the dangerous condition of extreme</p> <p>30:02 heat in the Texas Prison System?</p> <p>30:03 A. Yes, I would agree with that.</p>		
38:01 - 38:12	Sweetin, David 2024-07-25	00:00:39	DS.11
	<p>38:01 Q. Right. And you're in the process currently of,</p> <p>38:02 you know, making retrofits to install, you know,</p> <p>38:03 approximately -- I don't know -- ten to 12 or even</p> <p>38:04 13,000, we'll call them cool beds, currently, right?</p> <p>38:05 A. 14,000 air-conditioned beds, approximately,</p> <p>38:06 yes, sir.</p> <p>38:07 Q. And you're doing that because you want to</p>		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	38:08 ameliorate or fix the dangers that extreme heat poses to 38:09 the inmate population and the correctional officer 38:10 population, right? 38:11 A. We're doing it because we believe it's the 38:12 right thing to do.		
39:02 - 39:11	Sweetin, David 2024-07-25	00:00:45	DS.12
	39:02 Q. Why is it the right thing to do to 39:03 air-condition the Texas prisons? 39:04 A. I would say the reason it's the right thing to 39:05 do is because of the increased temperatures that the 39:06 state is seeing, the increase of medication that -- that 39:07 inmates are on as opposed to 20 years ago, 30 years ago, 39:08 40 years ago. There's a lot of factors that -- that 39:09 exacerbate the need for wanting to air-condition. So 39:10 for that reason, yes, sir, I believe -- we believe -- 39:11 the agency -- that it's the right thing to do.		
40:07 - 40:14	Sweetin, David 2024-07-25	00:00:24	DS.237
	40:07 Q. And I believe you had also stated that the -- 40:08 that the population in the Texas Prison System, it's 40:09 getting older, isn't it, over the last 20 or 30 years. 40:10 Fair? 40:11 MR. CALB: Objection; beyond the scope. 40:12 Q. (BY MR. EDWARDS) I apologize. I didn't hear 40:13 you over Mr. Calb's objection. Was that a yes? 40:14 A. That is correct.		
40:15 - 40:25	Sweetin, David 2024-07-25	00:00:43	DS.13
	40:15 Q. Okay. And you understand that when you get 40:16 older, you become more vulnerable to the dangers of 40:17 extreme heat, temperatures above 90, 95 degrees, right? 40:18 A. Some do, yes. 40:19 Q. Well, it's -- are you aware of studies -- and 40:20 you're here to talk about studies -- studies that, you 40:21 know, make it pretty evident that the older you get, the 40:22 more vulnerable you are to high temperatures and high 40:23 heat indexes. Are you aware of that? 40:24 A. I would say, as a general rule, yes, I'm aware 40:25 of that.		
41:09 - 41:12	Sweetin, David 2024-07-25	00:00:10	DS.14
	41:09 Q. So it is -- you know, it is the goal of the		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	41:10 Texas Department of Criminal Justice to air-condition 41:11 the entire prison system, correct? 41:12 A. That is correct, yes, sir.		
42:06 - 42:15	Sweetin, David 2024-07-25	00:00:44	DS.238
	42:06 Q. And given that it's -- it's the goal of the 42:07 prison system to provide air conditioning to make the 42:08 environment safe for the inmates and for the 42:09 correctional officers, has TDCJ explored any temporary 42:10 fixes to cool the temperatures down in the Texas prisons 42:11 that have temperatures in the 90s or 100 degrees? 42:12 A. Yes, sir, we have explored that. And on some 42:13 units right now, we actually do have temporary 42:14 air-conditioning systems, along with generation -- 42:15 generative capability for the electricity to power them.		
42:16 - 43:04	Sweetin, David 2024-07-25	00:00:57	DS.15
	42:16 Q. Okay. So let's drill down on that. So 42:17 Director Collier and the agency are aware that -- that 42:18 there is the possible fix of temporarily 42:19 air-conditioning units, correct? 42:20 A. In theory? Yes. 42:21 Q. Well, not in theory, in reality, right? Here's 42:22 the reality. Someone could make a phone call to a 42:23 business that rents air conditioners and temporarily 42:24 install air conditioning at a prison, correct? 42:25 A. That is correct. Providing that the equipment 43:01 is available. 43:02 Q. Sure. And that's what you-all did at the Pack 43:03 Unit, right? 43:04 A. Yes, sir, that is correct. We had --		
43:11 - 43:16	Sweetin, David 2024-07-25	00:00:17	DS.16
	43:11 After you agreed in a settlement following 43:12 an order from a judge saying the agency was deliberately 43:13 indifferent to the health and safety of various inmates 43:14 at the Pack Unit, you agreed to permanently install air 43:15 conditioning at the Pack Unit, correct? 43:16 A. Yes, sir, that is correct.		
43:17 - 43:24	Sweetin, David 2024-07-25	00:00:24	DS.239
	43:17 Q. And are you aware of what TDCJ testified that 43:18 would cost during the trial in the Pack Unit?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	43:19 A. For the temporary? 43:20 Q. No, for the permanent installation of air 43:21 conditioning. Are you aware of what the Texas 43:22 Department of Criminal Justice told Judge Ellison it 43:23 would cost to permanently air-condition the Pack Unit? 43:24 A. Yes, sir.		
43:25 - 44:03	Sweetin, David 2024-07-25	00:00:14	DS.17
	43:25 Q. How much did the Texas Department of Criminal 44:01 Justice tell Judge Ellison it would cost to permanently 44:02 air-condition the Pack Unit? 44:03 A. Approximately 20 million.		
44:04 - 45:05	Sweetin, David 2024-07-25	00:01:37	DS.240
	44:04 Q. I believe it was 22 million, but let's use -- 44:05 approximately 20 million seems like a candid answer. 44:06 How much did it actually cost to 44:07 permanently install air conditioning at the Pack Unit? 44:08 A. Approximately 8 million. 44:09 Q. Well, it cost 4 million. Isn't that correct, 44:10 sir? 44:11 A. No, sir, I've -- the number I have is 8 44:12 million, when the books were finally closed on that, it 44:13 resulted in a total of right at \$8 million. 44:14 Q. It is your contention that it cost \$8 million 44:15 to air-condition the Pack Unit? 44:16 A. That was my understanding, yes, sir. 44:17 Q. And where does that -- what is the basis for 44:18 that? Because I'll represent to you that I believe it 44:19 is 4 million. But it wouldn't be the first time I'm 44:20 wrong. Perhaps you're adding other things in there, but 44:21 I could be wrong. 44:22 What is the factual basis for you telling 44:23 the court that it cost \$8 million to install air 44:24 conditioning at the Pack Unit? 44:25 A. That was my discussion with Dale Cox yesterday 45:01 to confirm numbers that I was looking at. I am aware 45:02 that there was a \$4 million price that was out there and 45:03 talked about, but I can tell you that at the close of 45:04 that project, after everything was in, it totaled 8 45:05 million.		
45:06 - 45:18	Sweetin, David 2024-07-25	00:00:37	DS.19

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DESIGNATION	SOURCE	DURATION	ID
	<p>45:06 Q. Well, sir, are you aware that Director Collier</p> <p>45:07 testified to the legislature that about a \$4 million</p> <p>45:08 cost is what we're looking at in terms of air</p> <p>45:09 conditioning the Pack Unit?</p> <p>45:10 A. Yes, sir.</p> <p>45:11 Q. He told the legislature it would cost</p> <p>45:12 \$4 million, correct?</p> <p>45:13 A. Yes, sir.</p> <p>45:14 Q. And you're telling me it actually cost</p> <p>45:15 \$8 million?</p> <p>45:16 A. I'm telling you, based on my conversation</p> <p>45:17 yesterday with Dale Cox, who gave me the final number,</p> <p>45:18 that project came in at 8 million.</p>		DS.19
45:19 - 46:18	<p>Sweetin, David 2024-07-25</p> <p>45:19 Q. Okay. But you don't know what that project</p> <p>45:20 entailed, do you?</p> <p>45:21 A. Yes, sir, I do.</p> <p>45:22 Q. Okay. Well, why don't you walk me through why</p> <p>45:23 it cost twice as much as Director Collier said it would</p> <p>45:24 cost?</p> <p>45:25 A. Well, that I cannot specifically tell you why</p> <p>46:01 I'm above the number that --</p> <p>46:02 (Speaking simultaneously.)</p> <p>46:03 Q. Well, break down the \$8 million. What -- what</p> <p>46:04 money -- what was spent on that \$8 million that I</p> <p>46:05 understood to be \$4 million, based on Director Collier's</p> <p>46:06 testimony to the legislature?</p> <p>46:07 A. Well, when you're looking at total cost, you're</p> <p>46:08 looking at, obviously, design, conceptual. You're</p> <p>46:09 looking at --</p> <p>46:10 Q. Well, do you know what the \$8 million</p> <p>46:11 represents, or are you just speculating now?</p> <p>46:12 A. No, sir, I'm giving you that 8 million based on</p> <p>46:13 my discussion yesterday. I can't give you a specific</p> <p>46:14 breakdown as to what the 8 million was applied to. I</p> <p>46:15 can just merely tell you what I was told, based on --</p> <p>46:16 Q. Dale Cox told you it came in at \$8 million.</p> <p>46:17 That's the basis for your testimony today, correct?</p> <p>46:18 A. Correct.</p>	00:01:18	DS.241
50:04 - 50:11	<p>Sweetin, David 2024-07-25</p>	00:00:34	DS.20

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	50:04 Q. Okay. And despite -- and the fact -- whether 50:05 it's 8 million or 4 million, you'd agree that the 50:06 ultimate cost for the Pack Unit was well below what TDCJ 50:07 represented to the court, right? 50:08 A. That is correct, yes. 50:09 Q. It's between 14 and \$18 million below what they 50:10 represented to the court, right? 50:11 A. Yes. The original price was based on what we		DS.20
50:12 - 52:05	Sweetin, David 2024-07-25	00:03:08	DS.242
	50:12 knew at the time and the direction that we were going to 50:13 go -- 50:14 Q. Not true, sir. Not true at all. The original 50:15 price -- well, do you know what accounted for the 50:16 inflated numbers that led you to testify and argue to 50:17 the -- to the judge in the Cole case that it would cost 50:18 \$22 million to install air conditioning at the Pack 50:19 Unit? 50:20 A. I'm aware of what the plan was initially going 50:21 forward with the installation versus what we ended up 50:22 doing. 50:23 Q. Do you know why the price was so inflated and 50:24 it turned out to be 14 to \$18 million less? 50:25 A. Yes, sir. 51:01 Q. Please tell Judge Pittman why TDCJ represented 51:02 to a court that construction of air conditioning would 51:03 be 14 to \$18 million higher than it turned out to be. 51:04 A. Because the original plan was to source 51:05 everything out because, based on what we felt like the 51:06 design would be and needed to be to accommodate, that we 51:07 didn't have the in-house resources to tackle that kind 51:08 of project within a reasonable amount of time. So that 51:09 was a -- a big factor. 51:10 Secondly, at the time, we were under the 51:11 impression and felt strongly that -- that we were being 51:12 held to a certain requirement within the state of Texas 51:13 by the SECO agency, which is the -- the State Electrical 51:14 Commission, that we were going to have to insulate the 51:15 entire envelope of that unit. And when I say 51:16 "envelope," I'm talking about the outer shell, the shell 51:17 over the -- the unit, the outer skin, if you will.		

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DESIGNATION	SOURCE	DURATION	ID
	51:18 Which was a big factor that, once we got into it, we 51:19 found out that, through the help of discussions with our 51:20 engineers, along with the outside engineering firm, 51:21 along with the SECO group, that that was something that 51:22 was not applicable to us, and as a result, did not 51:23 require us to do anything to the envelope of the 51:24 building. 51:25 When -- 52:01 (Speaking simultaneously.) 52:02 Q. And that made it much cheaper, right? 52:03 A. Sir? 52:04 Q. That made it much cheaper, didn't it? 52:05 A. Yes, sir, it did.		
65:20 - 65:23	Sweetin, David 2024-07-25	00:00:12	DS.243
	65:20 Q. Well, again, you have no personal knowledge as 65:21 to how much it costs to temporarily air condition any 65:22 facility, do you? 65:23 A. Off the top of my head, no, sir.		
65:24 - 66:01	Sweetin, David 2024-07-25	00:00:14	DS.21
	65:24 Q. And it only costs \$320,000 a year to 65:25 temporarily air condition the Pack Unit, right? 66:01 A. Correct.		
69:01 - 69:12	Sweetin, David 2024-07-25	00:00:39	DS.244
	69:01 Q. Well, now, hold on. Are they being -- there 69:02 are plans to permanently install air conditioning in 69:03 portions of these facilities, correct? 69:04 A. There are plans in place to provide air 69:05 conditioning for the inmate-living areas. 69:06 Q. And when -- and they're actually -- have they 69:07 been designed? 69:08 A. Yes, sir. 69:09 Q. And have those designs been provided to the 69:10 plaintiffs in this case? 69:11 A. That, I couldn't tell you. 69:12 Q. Okay. And have -- has -- those are designs		
69:13 - 69:24	Sweetin, David 2024-07-25	00:00:35	DS.22
	69:13 to -- so you're telling me, the current plan is to 69:14 permanently install air conditioning in all the fast 69:15 track facilities?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	<p>69:16 A. Yes, sir, that is -- that is the plan.</p> <p>69:17 Q. And that's -- and that's because the fast track</p> <p>69:18 facilities contain inmates that -- and one of the</p> <p>69:19 reasons why you're going to install air conditioning in</p> <p>69:20 these fast track facilities is because you have the</p> <p>69:21 resources to do it and there is a need to protect the</p> <p>69:22 inmates and the correctional officers from the dangers</p> <p>69:23 of extreme heat, fair?</p> <p>69:24 A. Yes, sir.</p>		
69:25 - 70:04	Sweetin, David 2024-07-25	00:00:12	DS.245
	<p>69:25 Q. Okay. Now, my understanding, with these fast</p> <p>70:01 track facilities, is that the plans call for permanent</p> <p>70:02 installation of air conditioning. Is that your</p> <p>70:03 understanding as well?</p> <p>70:04 A. That is correct.</p>		
70:19 - 70:24	Sweetin, David 2024-07-25	00:00:22	DS.23
	<p>70:19 When -- when does TDCJ contend the</p> <p>70:20 permanent installation of these facilities with regards</p> <p>70:21 to air conditioning of the housing areas will be</p> <p>70:22 accomplished?</p> <p>70:23 A. At the -- we are on track for end of fiscal</p> <p>70:24 year '25.</p>		
70:25 - 71:14	Sweetin, David 2024-07-25	00:00:51	DS.246
	<p>70:25 Q. So it's 2024 now, right?</p> <p>71:01 A. Correct.</p> <p>71:02 Q. And your estimation -- or the agency's</p> <p>71:03 estimation is that these 11 fast track facilities will</p> <p>71:04 be fully air-conditioned by -- by when in 2025?</p> <p>71:05 A. Not all 11 of them. But I will tell you that</p> <p>71:06 we have some right now that have got temporary air, and</p> <p>71:07 we have --</p> <p>71:08 Q. That's not my -- I'm going to go back to that,</p> <p>71:09 sir, I promise you, okay?</p> <p>71:10 A. Okay.</p> <p>71:11 Q. When is TDCJ contending that all 11 of these</p> <p>71:12 facilities will be fully air-conditioned?</p> <p>71:13 A. I can only tell you that we have four that will</p> <p>71:14 be completed in this biennium.</p>		
71:15 - 71:18	Sweetin, David 2024-07-25	00:00:13	DS.24

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DESIGNATION	SOURCE	DURATION	ID
	71:15 Q. Okay. So four of the 11 that need to be 71:16 air-conditioned that TDCJ plans to air-condition will be 71:17 completed by the end of fiscal year 2025, correct? 71:18 A. Yes, sir.		DS.24
71:25 - 72:05	Sweetin, David 2024-07-25	00:00:14	DS.247
	71:25 contention -- TDCJ's contention that four of the 11 fast 72:01 track facilities that need to be air-conditioned, or 72:02 that TDCJ plans to air-condition will be completed, 72:03 correct, sir? 72:04 A. There will be an additional four completed, 72:05 that is correct.		
72:06 - 72:17	Sweetin, David 2024-07-25	00:00:33	DS.25
	72:06 Q. Okay. Which four are set to be completed by -- 72:07 by September 1 of 2025? 72:08 A. That would be the Luther Unit. 72:09 Q. Okay. 72:10 A. That would be the Powledge Unit. 72:11 Q. Okay. 72:12 A. The Terrell Unit. 72:13 Q. Okay. 72:14 A. And the Jester III Unit. 72:15 Q. Okay. 72:16 A. That would be an additional 5,000 72:17 air-conditioned beds, approximately.		
72:23 - 72:25	Sweetin, David 2024-07-25	00:00:15	DS.248
	72:23 A. Right now, the Luther Unit is not under 72:24 temporary air. There are nine units, to current date, 72:25 that are currently utilizing temporary air conditioning.		
77:01 - 77:11	Sweetin, David 2024-07-25	00:00:41	DS.26
	77:01 You already air-condition, in every 77:02 facility, the warden's office, right? 77:03 A. Yes, sir. 77:04 Q. You already air-condition, in every facility, 77:05 the armory where the guns and the bullets are kept, 77:06 right? 77:07 A. Yes, sir. 77:08 Q. Do you know why TDCJ chooses to air-condition 77:09 the conference room or the warden's office or the 77:10 armory, but not the housing area?		

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DESIGNATION	SOURCE	DURATION	ID
	77:11 A. I would say the biggest factor is financial.		
77:12 - 77:19	Sweetin, David 2024-07-25	00:00:22	DS.249
	77:12 Q. Well -- okay. You answered --		
	77:13 A. Air conditioning the warden's office or armory		
	77:14 or conference room is going to be much cheaper than air		
	77:15 conditioning the entire facility, or at least the living		
	77:16 quarters of the inmates.		
	77:17 Q. What's the factual basis for that statement,		
	77:18 sir? Do you really know that that's true?		
	77:19 A. To me, it would be common sense.		
80:04 - 80:06	Sweetin, David 2024-07-25	00:00:07	DS.250
	80:04 Q. That's fair. I asked you -- That -- that's		
	80:05 fine. I asked you to say it. And we'll -- we'll move		
	80:06 on.		
80:07 - 81:01	Sweetin, David 2024-07-25	00:00:51	DS.27
	80:07 But I want to make sure that Powledge,		
	80:08 there is no -- no plans and a choice has been made by		
	80:09 the agency not to -- not to utilize temporary air		
	80:10 conditioning while it installs the permanent air		
	80:11 conditioning, correct?		
	80:12 A. Yes, sir.		
	80:13 Q. Same with Terrell. There is -- Despite the		
	80:14 need -- the acknowledged need for the agency to install		
	80:15 air conditioning in order to protect the officers and		
	80:16 inmates, there are no plans to install temporary air		
	80:17 conditioning prior to the permanent installation being		
	80:18 accomplished, correct?		
	80:19 A. That is correct. That's not -- I'm --		
	80:20 Q. The same with Jester III. Despite the agency's		
	80:21 knowledge that there's a need to install air		
	80:22 conditioning in order to protect the officers and		
	80:23 inmates, there is no -- no plan in place in the interim		
	80:24 to temporarily air-condition the Jester III Unit,		
	80:25 correct?		
	81:01 A. Correct.		
99:17 - 100:03	Sweetin, David 2024-07-25	00:00:47	DS.28
	99:17 Q. Okay. All right. And all of the housing areas		
	99:18 at the Pack now have permanent air conditioning,		
	99:19 correct?		

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DESIGNATION	SOURCE	DURATION	ID
	99:20 A. Yes, sir, to the best of my knowledge. 99:21 Q. And they all have a backup A/C system as well 99:22 as an emergency generator system in the event of a power 99:23 failure, correct? 99:24 A. Yes, sir. 99:25 Q. And there hasn't been a heat-related illness at 100:01 Pack since that happened, at least based on indoor heat, 100:02 correct? 100:03 A. Not that I'm aware of, no, sir.		
100:04 - 100:12	Sweetin, David 2024-07-25	00:00:27	DS.251
	100:04 Q. And there were heat-related illnesses at Pack 100:05 prior to the installation of air conditioning, weren't 100:06 there? 100:07 A. That, I couldn't tell you. 100:08 Q. Well, if there really -- you're aware that 100:09 there are heat-related illnesses throughout the Texas 100:10 Prison System because of the high -- the extreme heat 100:11 inside the housing areas, right? 100:12 MR. CALB: Objection; beyond the scope.		
100:13 - 100:17	Sweetin, David 2024-07-25	00:00:15	DS.29
	100:13 Q. (BY MR. EDWARDS) Yes, sir. And the point of 100:14 installing air conditioning, at least one of them is to, 100:15 you know, help prevent these illnesses from occurring or 100:16 deaths from occurring, right? 100:17 A. Correct.		
109:10 - 109:18	Sweetin, David 2024-07-25	00:00:31	DS.252
	109:10 Q. How much money was appropriated to specifically 109:11 deal with air conditioning in the 87th legislature? 109:12 A. Specifically for air conditioning? Nothing. 109:13 Q. Nothing. Okay. But TDCJ had spent money 109:14 during the 87th legislative session to air-condition its 109:15 prisons because it knew it had to, right? 109:16 A. We took it upon ourselves to take out of our 109:17 deferred budget and apply that to these air conditioning 109:18 projects. That --		
109:19 - 110:17	Sweetin, David 2024-07-25	00:01:19	DS.30
	109:19 Q. There's a deferred maintenance budget, correct? 109:20 A. That is correct. 109:21 Q. Okay. And how much money did you -- how big is		

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DESIGNATION	SOURCE	DURATION	ID
	109:22 that deferred maintenance budget? 109:23 A. The budget was -- At that time, it is -- or was 109:24 105.4 million. 109:25 Q. Okay. And you understood that there was a 110:01 dangerous condition in the system that you needed to 110:02 take steps to help ameliorate, or fix. And how much of 110:03 that 105.4 million did you use to deal with the problem 110:04 of extreme heat in the Texas Prison System? 110:05 A. 15.5 million was committed by the agency to be 110:06 applied towards adding air conditioning to 21 intake 110:07 units. 110:08 Q. Okay. So for Judge Pittman's benefit, an 110:09 intake unit is -- is it a unit that TDCJ places inmates 110:10 in when they come from county jails, correct? 110:11 A. Yes, sir. 110:12 Q. And those intake units are particularly 110:13 dangerous places because inmates are coming from 110:14 air-conditioned county jails into hot houses when it's 110:15 during the summer, right? 110:16 A. Which is the reason why they were selected, 110:17 yes, sir.		
110:18 - 110:25	Sweetin, David 2024-07-25	00:00:26	DS.253
	110:18 Q. Okay. So TDCJ recognized that the intake 110:19 facilities were amongst the more dangerous facilities 110:20 for its inmate population and made a conscious choice to 110:21 prioritize air conditioning those facilities. Fair? 110:22 A. We felt like it was a good prioritization, yes. 110:23 Q. Well, it didn't feel like it was a good 110:24 prioritization because it rolled the dice and the intake 110:25 facilities came up, you know four or five or snake eyes,		
111:01 - 111:08	Sweetin, David 2024-07-25	00:00:23	DS.31
	111:01 you understood that numerous people had died at intake 111:02 facilities, and it made sense to air condition those 111:03 facilities, right? 111:04 A. Only reasonable. 111:05 Q. Right. Okay. Is that -- is there any other 111:06 reason you chose the intake facilities other than the 111:07 risks to the inmates? 111:08 A. No, sir.		
117:08 - 120:02	Sweetin, David 2024-07-25	00:03:11	DS.254

DESIGNATION	SOURCE	DURATION	ID
	117:08 Q. Okay. And absent a court order, you're not 117:09 going to temporarily air condition those facilities that 117:10 you're not already temporarily air conditioning, 117:11 correct? 117:12 A. I can tell you that -- 117:13 Q. Can you just answer my question, sir? Absent a 117:14 court order, there's no plan to, and you're not willing 117:15 to temporarily air condition those facilities, correct? 117:16 MR. CALB: Objection; argumentative. He 117:17 was trying to answer. 117:18 A. Not that I'm not willing, no, sir. 117:19 Q. (BY MR. EDWARDS) Okay. Well, let me ask you. 117:20 I would like you to please temporarily air condition 117:21 those 12 facilities, those 12 intake facilities to 117:22 protect the men, at least through October 15th. Are you 117:23 willing to do that, sir? 117:24 A. With the appropriate funding, yes, sir. 117:25 Q. Okay. And, you know, what -- what -- how much 118:01 money would that take to -- to air condition those 12 118:02 facilities, since you're willing to and all it would 118:03 take is money? 118:04 A. That's not all it would take, no, sir. 118:05 Q. Well, I thought you just said, with appropriate 118:06 funding, you're willing to temporarily air condition 118:07 those facilities right now? 118:08 A. But earlier my testimony was, there's other 118:09 resources that are involved. 118:10 Q. Fine. 118:11 A. As you say, okay, tomorrow we're going to 118:12 install air conditioning in all of them, that doesn't 118:13 mean that we can complete that with the resources that 118:14 we have. 118:15 Q. Well, how long do you think it makes to make a 118:16 phone call and order some temporary air conditioning out 118:17 to the Gurney Unit? 118:18 MR. CALB: Objection; calls for 118:19 speculation. 118:20 Q. (BY MR. EDWARDS) Do you know? 118:21 A. Do I know how long it would take? 118:22 Q. Yeah. 118:23 A. No, sir. I don't have the study on that.		DS.254

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DESIGNATION	SOURCE	DURATION	ID
	<p>118:24 Q. Well, you don't have to have a study, you have 118:25 to have a telephone. Has anyone made a phone call to 119:01 any organization that rents air conditioning to 119:02 temporarily air-condition, let's say, the Gurney Unit or 119:03 another intake unit?</p> <p>119:04 A. Well, as I've stated, we've got the Holliday 119:05 Unit that is temporarily aired, as well as the ---</p> <p>119:06 Q. Do you think that was my question, sir?</p> <p>119:07 A. Sir, I'm trying to answer your question to the 119:08 best of my ability.</p> <p>119:09 Q. You're really not. You're trying to answer the 119:10 question that you want to answer.</p> <p>119:11 My question is this: Has anybody made a 119:12 phone call or done anything to attempt to -- to 119:13 temporarily air-condition the Gurney Unit?</p> <p>119:14 A. Not that I'm aware of, no.</p> <p>119:15 Q. Is anything preventing anyone from the Texas 119:16 Department of Criminal Justice from making a phone call 119:17 and getting an estimate and actually temporarily air 119:18 conditioning the Gurney Unit?</p> <p>119:19 A. Is anything preventing us from?</p> <p>119:20 Q. Yes.</p> <p>119:21 A. Potentially, it could be funding. I mean, 119:22 obviously, you've got to have a funding source.</p> <p>119:23 Q. Well, do you -- you don't even know how much it 119:24 would cost, do you?</p> <p>119:25 A. Specifically for Gurney? No, sir.</p> <p>120:01 Q. If ordered to temporarily --</p> <p>120:02 (Speaking simultaneously.)</p>	00:00:37	DS.32
120:03 - 120:10	Sweetin, David 2024-07-25	00:00:37	DS.32
	<p>120:03 Q. If ordered to do so by the court to temporarily 120:04 air-condition the intake facilities that are being 120:05 constructed with air conditioning so that the men or 120:06 women are protected during the hot summer months in 120:07 August and September, is that something that TDCJ could 120:08 do, or would do if ordered to do so?</p> <p>120:09 A. I guess, if ordered to do so, we wouldn't have 120:10 a choice.</p>	00:01:02	DS.255
128:19 - 129:12	Sweetin, David 2024-07-25	00:01:02	DS.255
	128:19 Q. Okay. And, you know, the Gurney Unit in		

DESIGNATION	SOURCE	DURATION	ID
	<p>128:20 particular, you know, that's an intake facility where</p> <p>128:21 there's been deaths of heatstroke. Do you know that to</p> <p>128:22 be true?</p> <p>128:23 A. No, sir. Not specific to Gurney, no, sir, I</p> <p>128:24 don't know --</p> <p>128:25 Q. Well, in fact, there have been multiple deaths</p> <p>129:01 at the Gurney Unit of heatstroke. Do you know that to</p> <p>129:02 be -- I mean, as you testify here today, are you really</p> <p>129:03 not aware of that?</p> <p>129:04 A. Specific to Gurney? No, sir.</p> <p>129:05 Q. Isn't that one of your jobs, to know where</p> <p>129:06 people have died of heatstroke?</p> <p>129:07 A. Are you talking about illness, or death?</p> <p>129:08 Q. Well, I'm talking about death right now.</p> <p>129:09 A. Okay. I'm -- I'm sure there's a document that</p> <p>129:10 was provided to you that gave you the breakdown of where</p> <p>129:11 the deaths were. Am I looking at it? No, sir. Do I</p> <p>129:12 know it off the top of my head? No, sir.</p>		
129:13 - 129:20	Sweetin, David 2024-07-25	00:00:23	DS.33
	<p>129:13 Q. Do you think it's important to understand, you</p> <p>129:14 know, where throughout the state people have died of</p> <p>129:15 heatstroke?</p> <p>129:16 A. Yes, sir, every death is important.</p> <p>129:17 Q. Yeah, I hear that. To me, that means even one</p> <p>129:18 death is too many in the system to be -- you know,</p> <p>129:19 because of these hot conditions, right? That's what</p> <p>129:20 you're telling the jury -- or Judge Pittman?</p>		
129:21 - 129:21	Sweetin, David 2024-07-25	00:00:03	DS.256
	129:21 MR. CALB: Objection; misstates testimony.		
129:22 - 129:22	Sweetin, David 2024-07-25	00:00:04	DS.34
	129:22 A. Yes, sir.		
130:17 - 131:11	Sweetin, David 2024-07-25	00:01:20	DS.257
	<p>130:17 A. No. What I can tell you is, when you talk</p> <p>130:18 about legislature, you're talking about the whole body</p> <p>130:19 of the Texas legislature. Do we have conversations with</p> <p>130:20 the entire body of the legislature? Yeah, when we go to</p> <p>130:21 testify, or a resource witness in regard to something,</p> <p>130:22 there are certain legislators that seem to have a --</p> <p>130:23 their thumb on the pulse a little bit better than</p>		

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DESIGNATION	SOURCE	DURATION	ID
	<p>130:24 others, and we routinely communicate with. As far as</p> <p>130:25 what the actual conversations are, I can only give you</p> <p>131:01 generalities.</p> <p>131:02 Q. Well, what steps did you take to find out what</p> <p>131:03 communications TDCJ had between members of the Texas</p> <p>131:04 legislature from January 1st, 2022, to the present,</p> <p>131:05 about the dangers of high temperatures and heat indexes</p> <p>131:06 posed to inmates?</p> <p>131:07 A. Well, I know for a fact that -- that there was</p> <p>131:08 money appropriated specifically during the 88th</p> <p>131:09 legislature through House Bill 1 that appropriated funds</p> <p>131:10 for air conditioning. So, obviously, at that point in</p> <p>131:11 time, there was much communication about it.</p>		
131:12 - 132:10	Sweetin, David 2024-07-25	00:01:25	DS.35
	<p>131:12 Q. Well, look, my understanding is that the Texas</p> <p>131:13 legislature was considering passing a bill to</p> <p>131:14 air-condition the Texas Prison System. Is that your</p> <p>131:15 understanding as well?</p> <p>131:16 A. Correct.</p> <p>131:17 Q. Okay. And that TDCJ was in favor of that bill,</p> <p>131:18 correct?</p> <p>131:19 A. Yes, sir.</p> <p>131:20 Q. Okay. And -- and you were in favor of it</p> <p>131:21 because you understood that there's a dangerous</p> <p>131:22 condition in the system, extreme heat in the housing</p> <p>131:23 areas, that, tragically, has killed inmates and caused</p> <p>131:24 numerous inmates and officers to suffer heat-related</p> <p>131:25 illnesses, right?</p> <p>132:01 A. Yes.</p> <p>132:02 Q. Okay. And so, again, the position of the</p> <p>132:03 agency is, you know, we have a dangerous condition that</p> <p>132:04 we're aware of and we need to fix it, but we are</p> <p>132:05 unfortunately limited by resources and funds, from your</p> <p>132:06 perspective, because the legislature hasn't allocated</p> <p>132:07 enough money as of -- as of right now. Is that fair?</p> <p>132:08 A. Yes, sir. Without a doubt, with the proper</p> <p>132:09 funding from the legislature and the appropriation, we</p> <p>132:10 could -- we could do more.</p>		
132:11 - 132:16	Sweetin, David 2024-07-25	00:00:16	DS.258
	<p>132:11 Q. Right. And -- and this bill that -- that</p>		

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DESIGNATION	SOURCE	DURATION	ID
	132:12 sadly, from the inmates' perspective, the agency's 132:13 perspective, and certainly the correctional officers' 132:14 perspective, it passed the House, but it did not become 132:15 law, correct? 132:16 A. That was my understanding, yes, sir.		
132:17 - 132:25	Sweetin, David 2024-07-25	00:00:30	DS.36
	132:17 Q. Okay. And I believe the -- the head of the 132:18 committee in the House was a representative named Terry 132:19 Canales. Is that consistent with your recall as well? 132:20 A. Yes, sir. 132:21 Q. Okay. And certainly, he has communicated with 132:22 the agency, and the agency has communicated with him 132:23 about the dangers that the failure to provide air 132:24 conditioning causes, right? 132:25 A. Correct.		
133:13 - 133:16	Sweetin, David 2024-07-25	00:00:14	DS.37
	133:13 Q. (BY MR. EDWARDS) And, you know, you're aware 133:14 that, like, every year, like, 40, 50, maybe even more 133:15 officers suffer heat-related illnesses because they're 133:16 working in these hot conditions, right?		
133:18 - 133:25	Sweetin, David 2024-07-25	00:00:25	DS.38
	133:18 A. Yes, sir, we do have officers that fall under 133:19 those circumstances. 133:20 Q. (BY MR. EDWARDS) Well, and you're obligated 133:21 under the law to -- to -- to make disclosures to the 133:22 legislature concerning how many inmate heat-related 133:23 illnesses there are and how many officer heat-related 133:24 illnesses there are, right? 133:25 A. That is correct.		
134:01 - 134:05	Sweetin, David 2024-07-25	00:00:18	DS.39
	134:01 Q. Okay. And, again, you've told me that TDCJ 134:02 would never purposely mislead the legislature, so those 134:03 are publicly filed documents. It's reasonable for us to 134:04 rely on those reports as being accurate, right? 134:05 A. I would think so, yes, sir.		
134:06 - 134:10	Sweetin, David 2024-07-25	00:00:10	DS.259
	134:06 Q. And you would do more than say you would think 134:07 so, you would say, you know what? If we're giving it 134:08 to the legislature, the agency should stand by that, and		

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DESIGNATION	SOURCE	DURATION	ID
	134:09 you would certainly hope it's accurate, right? 134:10 A. Yes, sir.		
134:11 - 134:13	Sweetin, David 2024-07-25	00:00:14	DS.40
	134:11 Q. Okay. Now, it would seem to me that -- that 134:12 the heat inside this prison system has a deleterious or 134:13 bad effect on staffing. Do you agree with that?		
134:15 - 134:23	Sweetin, David 2024-07-25	00:00:33	DS.41
	134:15 A. I believe it's a factor, yes, sir. 134:16 Q. (BY MR. EDWARDS) Yeah. And, again, topic 13 134:17 talks about communications between TDCJ and the 134:18 legislature concerning the dangers of high temperatures 134:19 and the effects of high heat on staffing and inmate and 134:20 officer safety. And, again, it seems pretty obvious to 134:21 me, but, you know, part of the staffing problems at TDCJ 134:22 are likely due to the fact that they have to work in 134:23 these 90- to 100-degree temperatures, right?		
134:24 - 134:24	Sweetin, David 2024-07-25	00:00:03	DS.260
	134:24 MR. CALB: Objection; beyond the scope.		
134:25 - 134:25	Sweetin, David 2024-07-25	00:00:01	DS.42
	134:25 A. Yes, sir.		
135:01 - 135:06	Sweetin, David 2024-07-25	00:00:12	DS.43
	135:01 Q. (BY MR. EDWARDS) Okay. And I'm not breaking 135:02 any new ground with you. I mean, certainly, 135:03 correctional officers talk and the head of the union has 135:04 come out in favor of air conditioning the prison system, 135:05 right? 135:06 A. Yes, sir.		
135:08 - 135:12	Sweetin, David 2024-07-25	00:00:16	DS.44
	135:08 A. I'm aware of it. 135:09 Q. (BY MR. EDWARDS) And you would tell Judge 135:10 Pittman it would be better and safer for the 135:11 correctional officers if the prisons were, in fact, 135:12 air-conditioned, right?		
135:14 - 135:14	Sweetin, David 2024-07-25	00:00:12	DS.45
	135:14 A. That would be a fair statement.		
136:25 - 137:08	Sweetin, David 2024-07-25	00:00:37	DS.46
	136:25 Q. All right, thanks. Now, in 2022 and 2023, TDCJ 137:01 gave annual reports to the Texas legislature about		

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DESIGNATION	SOURCE	DURATION	ID
	137:02 inmate complaints related to temperature cases -- 137:03 temperature cases of environmental hyperthermia and 137:04 deaths caused or exacerbated by temperatures, right? 137:05 A. Okay. 137:06 Q. That directive was pursuant to a rider to the 137:07 2022-2023 appropriations act, correct? 137:08 A. Yes, sir.		
138:01 - 138:06	Sweetin, David 2024-07-25	00:00:28	DS.47
	138:01 December 2023 report to the legislature indicated there 138:02 were 17 inmate heat-related illnesses in fiscal year 138:03 2023. So I think that means, from September 2022 138:04 through August 31st, 2023, there were 17 inmate 138:05 heat-related illnesses. Does that sound correct? 138:06 A. Yes, sir.		
138:21 - 139:04	Sweetin, David 2024-07-25	00:00:31	DS.48
	138:21 Q. And fair to say it would be a very large 138:22 problem if you didn't provide the legislature with 138:23 accurate information, correct? 138:24 A. I would agree with that. 138:25 Q. Now, did the Texas Department of Criminal 139:01 Justice receive any reports of heat-related illnesses, 139:02 in fiscal year 2023, that for some reason were not 139:03 reported to the legislature? 139:04 A. I'm not aware of any, no, sir. Through that		
139:05 - 139:07	Sweetin, David 2024-07-25	00:00:08	DS.261
	139:05 document that you're asking about, no, I have no 139:06 information on that, other than the face of the document 139:07 itself.		
141:02 - 141:18	Sweetin, David 2024-07-25	00:01:07	DS.49
	141:02 Q. (BY MR. EDWARDS) Yeah. Well, okay. So how 141:03 many of those heat-related illnesses, according to this, 141:04 are in June? 141:05 A. It appears to be four. 141:06 Q. Okay. And, to me, that's TDCJ saying to the 141:07 legislature and, frankly, the public, we're only aware 141:08 of four heat-related illnesses that have been 141:09 documented. Fair? 141:10 A. Yes, sir, I agree to that. 141:11 Q. And then we've got two in July and eight in		

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DESIGNATION	SOURCE	DURATION	ID
	141:12 August, right? 141:13 A. That is correct. 141:14 Q. And the department, Texas Department of 141:15 Criminal Justice, and certainly Bryan Collier would know 141:16 this, that they have a policy or a practice on reporting 141:17 heat-related illnesses, right? 141:18 A. Yes, sir.		
142:22 - 143:15	Sweetin, David 2024-07-25	00:01:16	DS.50
	142:22 Q. (BY MR. EDWARDS) Mr. Sweetin, my understanding 142:23 is that TDCJ contracts with health-care providers -- 142:24 University of Texas Medical Branch, Texas Tech -- and 142:25 that those providers identify heat-related diagnoses -- 143:01 heat-related illnesses and they provide that information 143:02 to TDCJ, and then TDCJ then compiles it into a report 143:03 for the legislature. Is that your understanding? 143:04 A. Yes, sir, that's my understanding. 143:05 Q. Okay. And, you know, my -- my understanding is 143:06 that UTMB or -- or Texas Tech, that they provide this 143:07 information to numerous people at TDCJ. You know, the 143:08 director of facilities, yourself; you know, Lannette 143:09 Linthicum, who runs the health services division; and 143:10 others. Is that consistent with your recall? 143:11 A. Yes, sir. 143:12 Q. Okay. And, you know, I would assume that 143:13 Director Collier is made aware of heat-related illnesses 143:14 as well. Is that correct? 143:15 A. That is correct.		
144:08 - 144:13	Sweetin, David 2024-07-25	00:00:22	DS.51
	144:08 Q. Well, who makes sure that this information is 144:09 accurate? 144:10 A. The final say-so in this document would come 144:11 out of the executive services office. 144:12 Q. And who runs that? 144:13 A. The oversight is provided by Jason Clark.		
145:05 - 145:10	Sweetin, David 2024-07-25	00:00:19	DS.52
	145:05 Q. Gotcha. Okay. Now -- now, Mr. Clark is -- is 145:06 Director Collier's chief of staff? 145:07 A. That is correct. 145:08 Q. Okay. And he would have conversations with 145:09 Director Collier about heat-related illnesses, fair?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
147:25 - 148:13	<p>145:10 A. Yes, sir, that is fair to say.</p> <p>Sweetin, David 2024-07-25</p> <p>147:25 Q. And by 2031, do you -- do you plan to have the 148:01 entire system air conditioned?</p> <p>148:02 A. Yes, sir. It's my understanding that by 3031, 148:03 we will be in the last phase of the air-conditioning 148:04 projects.</p> <p>148:05 Q. All right. So just so I understand it, 148:06 currently Exhibit 3 is what, as of today, the agency has 148:07 committed to. But what you're telling me is that there 148:08 is a process in place that Director Collier has approved 148:09 of and designed and is going to do everything in his 148:10 power to make happen to get the entire system air 148:11 conditioned by 2031. Is that correct?</p> <p>148:12 A. The end goal is to have it all completed 148:13 with -- and come within or under ten years.</p>	00:01:08	DS.53
150:04 - 150:16	<p>Sweetin, David 2024-07-25</p> <p>150:04 Q. (BY MR. EDWARDS) Okay. Well, look, what 150:05 you're telling me is your plan is to air-condition the 150:06 Texas Prison System within not just ten years, within 150:07 seven years. Is that correct?</p> <p>150:08 A. Yes. Barring any complications, I -- I see us 150:09 being able to achieve that.</p> <p>150:10 Q. And -- and you understand that the reason that 150:11 you are implementing the air conditioning is 150:12 because the -- it is getting hotter, and the increased 150:13 heat causes severe problems and dangers to the inmate 150:14 population, especially the older population, as well as 150:15 the workforce, the correctional officers, right?</p> <p>150:16 A. Yes.</p>	00:00:55	DS.54
151:15 - 151:18	<p>Sweetin, David 2024-07-25</p> <p>151:15 Q. You would tell Judge Pittman, who is the -- the 151:16 judge in this case, that -- that you, the agency, will 151:17 have the problem of heat-related illness and deaths from 151:18 heat remedied by 2031, is that correct --</p>	00:00:19	DS.55
151:20 - 151:22	<p>Sweetin, David 2024-07-25</p> <p>151:20 Q. (BY MR. EDWARDS) -- subject to appropriations?</p> <p>151:21 A. As I stated before, barring any complications, 151:22 that is correct.</p>	00:00:10	DS.56

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
153:05 - 153:12	Sweetin, David 2024-07-25	00:00:28	DS.57
	153:05 Q. Okay. So do I have this right? The lawsuit -- 153:06 the lawsuit that this -- that you're facing now is 153:07 saying that there are dangerous conditions in the prison 153:08 and we need them to be fixed; and you're -- and -- and 153:09 the -- you're saying that we understand they're 153:10 dangerous conditions, and it is our intent to fix them, 153:11 but we need until 2031 to realistically do that. Is -- 153:12 do I hear you correctly?		
153:14 - 153:15	Sweetin, David 2024-07-25	00:00:07	DS.58
	153:14 A. Yes, sir. We believe this is a robust plan, an 153:15 aggressive plan, that would get us to that goal.		
159:08 - 159:14	Sweetin, David 2024-07-25	00:00:23	DS.59
	159:08 Q. Okay. And, look, candidly, if ordered to 159:09 comply -- in -- in order to bring temperatures down to 159:10 safe levels or to place inmates in safe temperatures, 159:11 you'll do whatever's in your power, as an agency, to 159:12 comply with federal court rulings, you know, and take 159:13 advantage of your appellate rights, fair? 159:14 A. Yes, sir.		
160:11 - 160:23	Sweetin, David 2024-07-25	00:00:40	DS.60
	160:11 Q. Fair enough. You, yourself, are getting emails 160:12 about heat-related illnesses for the inmates and the 160:13 correctional officers, right? 160:14 A. Getting reports. 160:15 Q. Sure. It's got to break your heart that people 160:16 are suffering heat-related illnesses based on hot 160:17 conditions in the Texas Prison System, given that 160:18 there's a technology that can totally prevent it. 160:19 Doesn't that hurt your heart to know that? 160:20 MR. CALB: Objection; argumentative. 160:21 A. Sure. Nobody, that I'm aware of, enjoys seeing 160:22 anybody get hurt, whether you're incarcerated or whether 160:23 you're a civilian.		
161:01 - 161:10	Sweetin, David 2024-07-25	00:00:30	DS.61
	161:01 different. You know there's a solution to this problem 161:02 of heat-related illnesses from the indoor temperatures 161:03 and you know that it's air conditioning, right? 161:04 A. That's not the only solution.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	161:05 Q. Well, it is -- it is a solution you know will 161:06 work. Isn't -- isn't it a solution you know will work? 161:07 A. It possibly could. 161:08 Q. Well, it -- it -- it has. There haven't been 161:09 any heat-related illnesses at the Pack Unit after you 161:10 put in air conditioning, right?		
161:12 - 161:19	Sweetin, David 2024-07-25	00:00:24	DS.62
	161:12 A. Not that I'm aware of. 161:13 Q. (BY MR. EDWARDS) Okay. Are you aware of any 161:14 heat-related illnesses that have occurred in air- 161:15 conditioned housing areas in the last 30 years at TDCJ? 161:16 A. I couldn't tell you one way or the other. 161:17 Q. Well, I'm asking you, Mr. Sweetin. Are you 161:18 aware of any heat-related illnesses that occurred in 161:19 air-conditioned housing areas?		
161:20 - 161:20	Sweetin, David 2024-07-25	00:00:02	DS.262
	161:20 MR. CALB: Objection; asked and answered.		
161:21 - 161:21	Sweetin, David 2024-07-25	00:00:02	DS.63
	161:21 A. I'm not aware of any.		
162:02 - 162:03	Sweetin, David 2024-07-25	00:00:03	DS.64
	162:02 A. That is -- is correct. I get reports that show 162:03 that --		
162:04 - 162:04	Sweetin, David 2024-07-25	00:00:00	DS.263
	162:04 Q. (BY MR. EDWARDS) Sure.		
162:05 - 162:05	Sweetin, David 2024-07-25	00:00:01	DS.65
	162:05 A. -- that has happened.		
163:24 - 164:07	Sweetin, David 2024-07-25	00:00:34	DS.264
	163:24 Q. (BY MR. EDWARDS) Sure. Rather than building 163:25 new prisons, which I'm guessing would have a higher 164:01 cost, the agency's made the decision that to deal 164:02 with -- to fix these conditions that endanger the 164:03 officers and the inmates, that the better solution is 164:04 to, you know, air-condition the existing facilities over 164:05 a period of time. In this case, through two -- fiscal 164:06 year 2031, right? 164:07 A. Yes, sir. I would agree with that.		
171:24 - 172:03	Sweetin, David 2024-07-25	00:00:16	DS.66
	171:24 Q. You're a director at the Texas Department of		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	171:25 Criminal Justice, correct? 172:01 A. That is correct. 172:02 Q. You report to Bryan Collier, amongst others? 172:03 A. Yes, sir, I do.		
172:09 - 172:19	Sweetin, David 2024-07-25	00:00:25	DS.265
	172:09 Q. (BY MR. EDWARDS) Strike that. 172:10 Sir, Mr. Sweetin, you per -- let's ask it 172:11 you personally, though I think it's within the scope. 172:12 I'll start with you personally. 172:13 Do you know whether or not the federal 172:14 prisons throughout Texas have air-conditioned housing 172:15 areas? 172:16 MR. CALB: Objection; beyond the scope. 172:17 A. I'm not here to testify on behalf of what I 172:18 personally know. I'm here to testify on behalf of the 172:19 agency.		
172:20 - 172:25	Sweetin, David 2024-07-25	00:00:12	DS.69
	172:20 Q. (BY MR. EDWARDS) Please answer my question. 172:21 If you don't know, you don't know, okay? You either 172:22 know it or you don't. 172:23 Do you know whether or not the federal 172:24 prisons in the state of Texas are air -- have 172:25 air-conditioned housing areas? Do you know that or not?		
173:01 - 173:01	Sweetin, David 2024-07-25	00:00:02	DS.266
	173:01 MR. CALB: Objection; beyond the scope.		
173:02 - 173:04	Sweetin, David 2024-07-25	00:00:08	DS.70
	173:02 A. I have no knowledge of that topic. 173:03 Q. (BY MR. EDWARDS) Have you ever thought to make 173:04 a phone call to find out?		
173:05 - 173:06	Sweetin, David 2024-07-25	00:00:04	DS.267
	173:05 MR. CALB: Objection; beyond the scope, and 173:06 to form.		
173:07 - 173:07	Sweetin, David 2024-07-25	00:00:04	DS.71
	173:07 A. No, sir, it never crossed my mind.		
174:04 - 174:06	Sweetin, David 2024-07-25	00:00:05	DS.72
	174:04 Q. Don't you think it would be a good idea to find 174:05 out if the federal prisons have air-conditioned housing 174:06 areas?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
174:08 - 174:15	Sweetin, David 2024-07-25	00:00:33	DS.73
	174:08 A. Do I think it would be a good idea?		
	174:09 Q. (BY MR. EDWARDS) Yes.		
	174:10 A. I don't -- I don't see what relevance that		
	174:11 would have with regard to what we're doing. I don't		
	174:12 need to know what the feds are doing in regard to air		
	174:13 conditioning or their operations, because that's apart		
	174:14 and separate from the way we operate and who we answer		
	174:15 to.		
177:22 - 177:25	Sweetin, David 2024-07-25	00:00:11	DS.74
	177:22 Q. (BY MR. EDWARDS) COPD is a medical condition		
	177:23 that makes one more vulnerable to the heat, according to		
	177:24 TDCJ, correct?		
	177:25 A. Yes, sir.		
193:20 - 193:23	Sweetin, David 2024-07-25	00:00:15	DS.75
	193:20 Q. From -- from January 1, 2022, to the present,		
	193:21 Mr. Tiede had medical vulnerabilities which made him		
	193:22 heat sensitive, right?		
	193:23 A. For periods of time.		
194:12 - 194:22	Sweetin, David 2024-07-25	00:00:46	DS.76
	194:12 Q. Yeah. What periods of time from January 21 --		
	194:13 January 1, 2022, to the present do you contend that		
	194:14 Bernie Tiede was, in fact, medically vulnerable and		
	194:15 ought to have been in air-conditioned housing?		
	194:16 A. My understanding, that there was two separate		
	194:17 occasions where he was prescribed medication that would		
	194:18 require him, based on our agency policy and protocol, to		
	194:19 be housed in air-conditioned housing.		
	194:20 Q. When?		
	194:21 A. Specifically, there was three days in August of		
	194:22 '23.		
195:20 - 196:02	Sweetin, David 2024-07-25	00:00:30	DS.77
	195:20 Q. (BY MR. EDWARDS) So it's TDCJ's position,		
	195:21 after looking at all the records, that Mr. Tiede was		
	195:22 appropriately housed at all times during his custody?		
	195:23 A. That is correct.		
	195:24 Q. And what is that opinion based upon, sir?		
	195:25 A. Based upon our policies, procedures, and		
	196:01 protocols of the Texas Department of Criminal Justice as		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	196:02 well as the --		
198:16 - 198:24	Sweetin, David 2024-07-25	00:00:37	DS.79
	198:16 Q. (BY MR. EDWARDS) You don't think his medical		
	198:17 condition, sir, warrants Mr. Tiede being placed in		
	198:18 air-conditioned housing, according to your policies?		
	198:19 A. Just because somebody's diagnosed with		
	198:20 something, that doesn't necessarily mean to what end of		
	198:21 the spectrum that they are. They could be entry level.		
	198:22 In this case, clearly, whatever it was that he was --		
	198:23 was diagnosed with was not to the extent that required		
	198:24 him to be in air-conditioned housing.		
199:15 - 199:17	Sweetin, David 2024-07-25	00:00:10	DS.80
	199:15 On August 17th, 2023, through		
	199:16 September 13th, he was not in air-conditioned housing.		
	199:17 Do you have any idea why, given his medical conditions?		
199:19 - 199:25	Sweetin, David 2024-07-25	00:00:14	DS.81
	199:19 A. No. The only thing I can tell you is he was		
	199:20 appropriately assigned.		
	199:21 Q. (BY MR. EDWARDS) Well, you don't have any		
	199:22 medical basis for saying that. You're just saying that		
	199:23 the agency contends he was appropriately assigned,		
	199:24 right?		
	199:25 A. Yes, sir.		
200:01 - 200:04	Sweetin, David 2024-07-25	00:00:18	DS.82
	200:01 Q. Does that mean that people with COPD, diabetes,		
	200:02 obesity, and emphysema are appropriately assigned if		
	200:03 they're in non-air-conditioned housing during the month		
	200:04 of July or August at TDCJ?		
200:06 - 200:11	Sweetin, David 2024-07-25	00:00:21	DS.83
	200:06 A. Again, what I can -- I can tell you is, based		
	200:07 on medical diagnosis, that's not a automatic conclusion		
	200:08 that somebody would be put in air-conditioned housing.		
	200:09 I mean, for instance, I could go to my		
	200:10 doctor right now and -- and be labeled as obese because		
	200:11 I'm overweight based on my -- my frame.		
201:05 - 201:10	Sweetin, David 2024-07-25	00:00:18	DS.84
	201:05 Q. (BY MR. EDWARDS) Even though obesity is a		
	201:06 well-known medical vulnerability -- and Judge Pittman		
	201:07 will hear about that -- it is TDCJ's position that		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	201:08 obesity is not enough to warrant placement in 201:09 air-conditioned housing, according to its standards. Is 201:10 that correct?		
201:11 - 201:12	Sweetin, David 2024-07-25	00:00:02	DS.268
	201:11 MR. CALB: Objection. 201:12 Q. (BY MR. EDWARDS) Okay.		
201:13 - 201:16	Sweetin, David 2024-07-25	00:00:08	DS.85
	201:13 A. That alone does not warrant it. Yes, sir, 201:14 that's what I'm saying. 201:15 Q. What about that along with emphysema and 201:16 diabetes and COPD?		
201:18 - 201:19	Sweetin, David 2024-07-25	00:00:07	DS.86
	201:18 A. Again, he was appropriately assigned based on 201:19 what he had going on at the time.		
202:20 - 202:23	Sweetin, David 2024-07-25	00:00:12	DS.87
	202:20 Q. (BY MR. EDWARDS) Are you aware that his 202:21 placement in housing changed as a direct consequence of 202:22 a judicial ruling in this case? 202:23 A. Yes, sir, I'm aware of that.		
203:02 - 203:08	Sweetin, David 2024-07-25	00:00:19	DS.88
	203:02 Before the hearing, he was in 203:03 un-air-conditioned, I would submit to you, dangerous 203:04 housing. And then after the hearing, he was ordered -- 203:05 I'm sorry -- TDCJ was ordered to place him in 203:06 air-conditioned and safe housing. You're aware of that, 203:07 right? 203:08 A. Yes, sir, I'm aware of that.		
205:07 - 205:14	Sweetin, David 2024-07-25	00:00:31	DS.89
	205:07 Q. (BY MR. EDWARDS) All right. Are there 205:08 restrictions currently in -- on Bernie Tiede's record 205:09 that require him to be placed in air-conditioning? 205:10 Currently. 205:11 A. It's my understanding that he has no current 205:12 requirement. 205:13 Q. Okay. So he is at risk, then, of being moved 205:14 into un-air-conditioned housing at any moment, fair?		
205:16 - 205:23	Sweetin, David 2024-07-25	00:00:19	DS.90
	205:16 A. Possibly, yes, sir.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	205:17 Q. (BY MR. EDWARDS) Well, not possibly. The risk 205:18 is real, isn't it? 205:19 A. It's possible. 205:20 Q. Well, okay. It's possible because TDCJ has 205:21 determined that this man's condition doesn't make him 205:22 medically vulnerable to the point that he needs air 205:23 conditioning, right?		
205:25 - 205:25	Sweetin, David 2024-07-25	00:00:03	DS.91
	205:25 A. I will agree to that, yes, sir.		
206:01 - 206:05	Sweetin, David 2024-07-25	00:00:26	DS.92
	206:01 Q. (BY MR. EDWARDS) And that's despite the fact 206:02 that he has emphysema, COPD, suffers from obese -- or 206:03 diabetes and has had a stroke, which has resulted in 206:04 partial paralysis, it is still the opinion of TDCJ that 206:05 he's not heat sensitive, warranting air conditioning?		
206:07 - 206:07	Sweetin, David 2024-07-25	00:00:03	DS.93
	206:07 A. That is correct.		
214:01 - 214:04	Sweetin, David 2024-07-25	00:00:12	DS.94
	214:01 Q. Okay. And you're -- Okay. I mean, you 214:02 understand that heat waves are going to happen in the 214:03 state of Texas, correct? 214:04 A. Yes, I understand that.		
214:23 - 214:25	Sweetin, David 2024-07-25	00:00:05	DS.269
	214:23 A. That all of them will? 214:24 Q. Yeah. That was your testimony. 214:25 A. All 101?		
222:17 - 222:19	Sweetin, David 2024-07-25	00:00:10	DS.95
	222:17 Wouldn't you agree that to a statistical 222:18 certainty, every prison in the state of Texas is likely 222:19 to exceed 85 degrees?		
222:21 - 222:21	Sweetin, David 2024-07-25	00:00:03	DS.96
	222:21 A. I would agree to that.		
224:05 - 224:08	Sweetin, David 2024-07-25	00:00:15	DS.97
	224:05 Q. All right. Do you understand that every 224:06 reasonable effort should be made to prevent injuries 224:07 related to excessive or extreme temperatures? 224:08 A. Yes, sir.		
224:09 - 225:07	Sweetin, David 2024-07-25	00:01:09	DS.270

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	224:09 Q. Okay. And, certainly, air conditioning is a reasonable measure which would help prevent injuries related to excessive or extreme temperatures, correct? 224:12 MR. CALB: Objection; form. 224:13 A. No, sir, I disagree with that. 224:14 Q. (BY MR. EDWARDS) You don't think it's -- a reasonable effort would include air conditioning? 224:16 MR. CALB: Objection to form. 224:17 A. No, sir, that's not the spirit and intent of the policy. 224:19 Q. (BY MR. EDWARDS) Well, look, it just says -- what does the word "every" mean to you? 224:21 MR. CALB: Objection; form. 224:22 A. Encompassing all. 224:23 Q. (BY MR. EDWARDS) Okay. You're saying every reasonable effort shall -- "shall" eliminates discretion, right? "Shall" says you got to do it all the time, right? 225:01 A. Within our ability. 225:03 Q. Sure. Every reasonable effort shall be made to prevent injuries related to excessive or extreme temperatures in the TDCJ. That's what this -- that's what the statement says under the word "policy," right? 225:07 A. Yes, sir.		DS.270
229:22 - 229:25	Sweetin, David 2024-07-25	00:00:13	DS.98
	229:22 Q. (BY MR. EDWARDS) Sure. You understand, as an agency, that the temperatures that the inmates are exposed to during the summer months are so high and potentially dangerous that they're at very real risk of		
230:01 - 230:02	Sweetin, David 2024-07-25	00:00:09	DS.99
	230:01 harm and serious injury, you know, unless, you know, 230:02 adequate measures are taken to protect them, right?		
230:04 - 230:04	Sweetin, David 2024-07-25	00:00:02	DS.100
	230:04 A. Yes, I will agree with that.		
230:05 - 230:14	Sweetin, David 2024-07-25	00:00:32	DS.271
	230:05 Q. (BY MR. EDWARDS) One of the measures that 230:06 you've long had at the agency is the provision of water, 230:07 right? 230:08 A. Yes, sir.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	<p>230:09 Q. Okay. And you understand that -- that the provision of water is a necessary accommodation in order to protect the inmates from this dangerous heat to which you knowingly expose them, right?</p> <p>230:13 MR. CALB: Objection; form, argumentative.</p> <p>230:14 A. Yes, sir, I'd agree to that.</p>		
231:05 - 231:22	Sweetin, David 2024-07-25	00:00:55	DS.101
	<p>231:05 Q. I'll just ask you, is it TDCJ's policy to make cold water available to inmates at all times? Or iced water.</p> <p>231:08 A. It is our policy to make sure that there is ice and water available, that is correct.</p> <p>231:10 Q. At all times, right?</p> <p>231:11 A. At all times?</p> <p>231:12 Q. Yes, at all times. Isn't that your policy, or practice?</p> <p>231:14 A. Again, you're talking about 24/7, 365 days a year?</p> <p>231:16 Q. No, I'm talking about 24/7 during the heat period, during the summer, between April 15th and October 15th. Is that your policy?</p> <p>231:19 A. Yes, sir, I agree with that.</p> <p>231:20 Q. Okay. And you would acknowledge that, you know, that policy's only as good as the officers who are implementing it, right?</p>		
231:23 - 231:23	Sweetin, David 2024-07-25	00:00:03	DS.272
	231:23 MR. CALB: Objection to form.		
231:24 - 231:25	Sweetin, David 2024-07-25	00:00:04	DS.102
	<p>231:24 A. Yes, sir, I will agree with that.</p> <p>231:25 Q. (BY MR. EDWARDS) For instance, if officers</p>		
232:01 - 232:04	Sweetin, David 2024-07-25	00:00:10	DS.103
	<p>232:01 didn't provide water -- ice -- ice-cold water on a consistent, constant basis, that would be problematic;</p> <p>232:03 and you, as an agency, would have to rectify that,</p> <p>232:04 right?</p>		
232:06 - 232:11	Sweetin, David 2024-07-25	00:00:22	DS.104
	<p>232:06 A. Yes. I agree with that.</p> <p>232:07 Q. (BY MR. EDWARDS) Okay. Similarly, you understand that one -- one of the ways that I'm told</p>		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	232:09 that you try to ameliorate this dangerous condition of 232:10 heat is by enabling inmates to take cold showers. Is 232:11 that correct?		
232:12 - 232:12	Sweetin, David 2024-07-25	00:00:02	DS.273
	232:12 MR. CALB: Objection to form.		
232:13 - 232:17	Sweetin, David 2024-07-25	00:00:14	DS.105
	232:13 A. That is correct. 232:14 Q. (BY MR. EDWARDS) And you -- and is it -- is it 232:15 the policy of TDCJ during the summer months that inmates 232:16 are to have access to cold showers at all -- at all 232:17 times?		
232:18 - 232:18	Sweetin, David 2024-07-25	00:00:07	DS.274
	232:18 MR. CALB: Objection to form.		
232:19 - 232:22	Sweetin, David 2024-07-25	00:00:11	DS.106
	232:19 A. Yes. 232:20 Q. (BY MR. EDWARDS) And if they're denied access 232:21 to a cold shower, then, that would be potentially 232:22 dangerous, right?		
232:23 - 232:23	Sweetin, David 2024-07-25	00:00:01	DS.275
	232:23 MR. CALB: Objection to form.		
232:24 - 232:24	Sweetin, David 2024-07-25	00:00:01	DS.107
	232:24 A. Potentially, yes, sir.		
232:25 - 233:08	Sweetin, David 2024-07-25	00:00:33	DS.276
	232:25 Q. (BY MR. EDWARDS) Okay. And, again, when 233:01 you're talking about risk, you're only talking about 233:02 potential danger, right? That's the point of risk. Not 233:03 everybody dies from extreme heat. It's just an elevated 233:04 risk that we've decided, as a society, it's too much 233:05 risk to account for, so we need to issue some 233:06 protections. That's the job of the agency, fair? 233:07 MR. CALB: Objection; form. 233:08 A. I will agree to that.		
233:09 - 233:15	Sweetin, David 2024-07-25	00:00:28	DS.108
	233:09 Q. (BY MR. EDWARDS) Okay. Now, access to air 233:10 conditioning, is -- is that part of your policy? 233:11 A. Yes, sir. We refer to that as a respite area. 233:12 Q. And is it -- is it the case that respite areas 233:13 have to be available to inmates 24 hours a day, seven		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	233:14 days a week during the hotter months? 233:15 A. Yes, sir, that is correct.		
233:23 - 234:02	Sweetin, David 2024-07-25	00:00:10	DS.277
	233:23 Q. (BY MR. EDWARDS) Well, no, no. The ac -- 233:24 the -- the access is an absolute necessity. Whether 233:25 they choose to take it is up to the inmate, right? 234:01 MR. CALB: Objection; form. 234:02 A. That is correct.		
234:03 - 234:07	Sweetin, David 2024-07-25	00:00:17	DS.109
	234:03 Q. (BY MR. EDWARDS) Okay. So if officers are 234:04 denying cold showers, not bringing water, or not 234:05 providing access to respite areas, that would be hugely 234:06 problematic and -- and would endanger the inmates if 234:07 that were happening, fair?		
234:09 - 234:10	Sweetin, David 2024-07-25	00:00:03	DS.110
	234:09 A. That would be in violation of our policy, yes, 234:10 sir.		
235:16 - 235:25	Sweetin, David 2024-07-25	00:00:26	DS.111
	235:16 even -- when a prison is locked down, the entire unit 235:17 can go into air-conditioning respite if they want to? 235:18 A. The entire unit? 235:19 Q. Sure. 235:20 A. No, sir. 235:21 Q. Okay. So not everybody has access to -- in a 235:22 lockdown situation, you don't have the same access to 235:23 these protective measures, fair? 235:24 A. It's fair to say they don't have free and 235:25 frequent access under lockdown processes, yes, sir.		
236:01 - 236:15	Sweetin, David 2024-07-25	00:00:42	DS.278
	236:01 Q. Right. And lockdowns happen a fair amount 236:02 during the summer months. Isn't that correct? 236:03 MR. CALB: Objection; outside the scope. 236:04 A. What's a fair amount? That's a very broad 236:05 statement. 236:06 Q. (BY MR. EDWARDS) Well, you know, I don't know. 236:07 You know lockdowns are going to happen during the summer 236:08 months. Is that a reasonable expectation that it's 236:09 going to happen at certain prisons during the summer? 236:10 MR. CALB: Objection; outside the scope.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	236:11 A. Well, what a reasonable expectation is that we 236:12 try as much as possible to work around the hot months 236:13 for the reasons that we're talking about. That's not to 236:14 say that some security concern would not elevate to the 236:15 point where we have to lock down.		
237:14 - 237:19	Sweetin, David 2024-07-25	00:00:25	DS.112
	237:14 Q. (BY MR. EDWARDS) You know, despite the 237:15 protective measures you've allegedly implemented, and 237:16 the policies you've created, that inmates and officers 237:17 continue to suffer heat-related illnesses. Isn't that 237:18 true? 237:19 A. We have had some, yes, sir.		
237:25 - 238:21	Sweetin, David 2024-07-25	00:01:54	DS.279
	237:25 Q. What is the basis for your statements to the 238:01 public and the press that there have been no heat- 238:02 related deaths in the Texas Prison System since 2012? 238:03 A. My assertion regarded -- regarding your 238:04 question would be that heat was determined to be part of 238:05 it -- part of the death, but not what -- was not the 238:06 causal factor. It was a combination of factors that 238:07 resulted in the death, heat of which was listed as part 238:08 of the environment, but it was not specified in the 238:09 autopsy that it was as a result of the heat. 238:10 Q. Okay. Well, so it's not true that there have 238:11 been no heat-related deaths since 2012, is it? 238:12 MR. CALB: Objection to form. 238:13 A. If you're asking me specific to heat, I will 238:14 tell you there has not been. 238:15 Q. (BY MR. EDWARDS) Okay. Well, I'm not asking 238:16 you specific to heat, even though that's also a false 238:17 statement if you really want to drill down on this. 238:18 But I'm asking -- you understand that the 238:19 word "heat-related death" means a death that is related 238:20 or partly responsible or due to the heat. You 238:21 understand that, right?		
239:02 - 239:14	Sweetin, David 2024-07-25	00:00:28	DS.280
	239:02 I mean -- and here's what I'm getting at, 239:03 sir. I'm not particularly interested in playing word 239:04 games or engaging in semantics with the Texas Department 239:05 of Criminal Justice. I'm a lawyer and I'm pretty		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	239:06 clever. I could do that. But I -- I really don't get a 239:07 sense that you care to play word games either. Am I 239:08 right about your integrity? 239:09 MR. CALB: Objection; argumentative. 239:10 Q. (BY MR. EDWARDS) You care about protecting the 239:11 men and woman in your care, don't you? 239:12 MR. CALB: Objection to form, 239:13 argumentative. 239:14 Q. (BY MR. EDWARDS) Well, let me withdraw that.		
239:15 - 239:25	Sweetin, David 2024-07-25	00:00:40	DS.113
	239:15 Look, sir, is it the Texas Department of 239:16 Criminal Justice's position that when they tell the 239:17 public there are no heat-related deaths, that they're 239:18 not -- they don't mean that there's no deaths in which 239:19 heat contributed or was a factor in the death; there are 239:20 simply no solely, exclusively, "only heat killed that 239:21 person" deaths. That's what you mean? 239:22 A. What I mean is, when the autopsies are 239:23 evaluated and read, it shows that heat could have been 239:24 an associated factor. It doesn't necessarily mean that 239:25 it was a result of heat specifically.		
240:01 - 240:04	Sweetin, David 2024-07-25	00:00:10	DS.114
	240:01 Q. Well, you're telling the public that no one has 240:02 died as a consequence of the heat when you inform them 240:03 that there are no heat-related deaths. Don't you agree 240:04 with that?		
240:05 - 240:05	Sweetin, David 2024-07-25	00:00:06	DS.281
	240:05 MR. CALB: Objection to form.		
240:06 - 240:16	Sweetin, David 2024-07-25	00:00:34	DS.115
	240:06 A. No, sir, I don't agree with that. 240:07 Q. (BY MR. EDWARDS) Okay. When you tell the 240:08 legislature there's been no heat-related deaths, do you 240:09 then tell them, but there have been several deaths in 240:10 which heat was a contributory factor? 240:11 A. Anybody has access to the autopsies, as 240:12 they're -- they're public record. 240:13 Q. You think autopsies are public records? 240:14 A. To a certain extent, yes, sir. 240:15 Q. Well, do you think honesty and candor, when		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	240:16 you're talking to legislature, is important?		
240:17 - 240:17	Sweetin, David 2024-07-25	00:00:01	DS.282
	240:17 MR. CALB: Objection; form.		
240:18 - 240:18	Sweetin, David 2024-07-25	00:00:01	DS.116
	240:18 A. Utmost.		
240:19 - 240:24	Sweetin, David 2024-07-25	00:00:16	DS.283
	240:19 Q. (BY MR. EDWARDS) Did you say "utmost"?		
	240:20 A. Utmost important, yes, sir.		
	240:21 Q. Do you think integrity is important when you're		
	240:22 testifying and giving statements to the public?		
	240:23 MR. CALB: Objection to form.		
	240:24 A. Yes, sir.		
241:22 - 241:25	Sweetin, David 2024-07-25	00:00:16	DS.284
	241:22 Q. (BY MR. EDWARDS) Again, "interpretation" is an		
	241:23 interesting word. You're making a choice how you		
	241:24 interpret the autopsies that -- or the deaths that occur		
	241:25 under your care, aren't you?		
242:02 - 242:09	Sweetin, David 2024-07-25	00:00:18	DS.285
	242:02 A. We're making a decision based on the		
	242:03 information that's provided to us on the autopsy from		
	242:04 the medical professionals.		
	242:05 Q. (BY MR. EDWARDS) And that decision has		
	242:06 consequences, doesn't it?		
	242:07 MR. CALB: Objection; form.		
	242:08 Q. (BY MR. EDWARDS) Doesn't it?		
	242:09 A. What decision would that be?		
242:10 - 242:14	Sweetin, David 2024-07-25	00:00:18	DS.117
	242:10 Q. Well, when you tell the legislature, the		
	242:11 public, or people that there haven't been any		
	242:12 heat-related deaths and there actually have been, it		
	242:13 makes it seem like whatever you're doing is resulting in		
	242:14 the lack of heat-related deaths, don't you think?		
242:15 - 242:15	Sweetin, David 2024-07-25	00:00:02	DS.286
	242:15 MR. CALB: Objection; form.		
242:16 - 242:16	Sweetin, David 2024-07-25	00:00:02	DS.118
	242:16 A. No, sir. I disagree with that.		
242:22 - 242:23	Sweetin, David 2024-07-25	00:00:05	DS.287

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	242:22 Q. You would tell -- you would tell the legislature, reporters, the public, that there have, in		DS.287
242:24 - 242:25	Sweetin, David 2024-07-25	00:00:08	DS.120
	242:24 fact, been deaths in which heat was an important		
	242:25 contributory factor, wouldn't you?		
243:01 - 243:01	Sweetin, David 2024-07-25	00:00:02	DS.288
	243:01 MR. CALB: Objection; form.		
243:03 - 243:08	Sweetin, David 2024-07-25	00:00:23	DS.121
	243:03 Q. (BY MR. EDWARDS) You would tell members of the		
	243:04 press, the legislature, and the public that there have,		
	243:05 in fact, been deaths in which heat was a contributing --		
	243:06 a contributory factor in the death, correct?		
	243:07 A. True. I agree with the autopsies that heat was		
	243:08 a contributing factor.		
243:09 - 243:16	Sweetin, David 2024-07-25	00:00:29	DS.289
	243:09 Q. Okay. Well -- and a contributing factor means		
	243:10 it was a cause of the death. One of the causes of the		
	243:11 death. You understand that, right?		
	243:12 MR. CALB: Objection to form.		
	243:13 A. No, sir, I don't -- heat could have been just		
	243:14 the environment at the time. That doesn't necessarily		
	243:15 mean it was the reason for the death. The heat just		
	243:16 happened to be circumstantial.		
244:08 - 245:02	Sweetin, David 2024-07-25	00:00:58	DS.122
	244:08 Q. And you're here to testify whether or not you		
	244:09 believe that heat caused or contributed to those deaths,		
	244:10 right?		
	244:11 A. Yes, sir.		
	244:12 Q. And you're here to talk about every action that		
	244:13 TDCJ took in response to each of those deaths, right?		
	244:14 A. Correct.		
	244:15 Q. Okay. Well, let's talk about John Castillo.		
	244:16 As you testify here today, do you have any idea how he		
	244:17 died?		
	244:18 A. Specific to his death, no, sir.		
	244:19 Q. Okay. You didn't do any research or review any		
	244:20 autopsies relating to Mr. Castillo in preparation for		
	244:21 this deposition?		
	244:22 A. No, sir. What was provided to me is based on		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	244:23 the documents that we had that -- that assert that we 244:24 have no deaths that are heat related. 244:25 Q. Well, but I guess -- I guess what you're saying 245:01 is only heat was the cause. That's what you consider a 245:02 heat or heat-related death, fair?		
245:03 - 245:03	Sweetin, David 2024-07-25	00:00:02	DS.290
	245:03 MR. CALB: Objection; form.		
245:04 - 245:09	Sweetin, David 2024-07-25	00:00:18	DS.124
	245:04 A. A heat-related death is the sole causal factor 245:05 of the death. That is correct. 245:06 Q. (BY MR. EDWARDS) Okay. So unless it says 245:07 hypothermia on the autopsy, you don't consider -- and it 245:08 only says hypothermia, you don't consider it a heat- 245:09 related death, right?		
245:10 - 245:10	Sweetin, David 2024-07-25	00:00:04	DS.291
	245:10 MR. CALB: Objection to form.		
245:11 - 245:14	Sweetin, David 2024-07-25	00:00:08	DS.125
	245:11 A. Yes, sir. That's -- that's the way we 245:12 interpret it. 245:13 Q. (BY MR. EDWARDS) Now, that's a dangerous way 245:14 to interpret autopsies, isn't it?		
245:15 - 245:15	Sweetin, David 2024-07-25	00:00:04	DS.292
	245:15 MR. CALB: Objection to form.		
245:16 - 246:04	Sweetin, David 2024-07-25	00:00:57	DS.126
	245:16 A. I don't believe so, no, sir. 245:17 Q. (BY MR. EDWARDS) Well, do you know if body 245:18 temperatures are taken when people die as a matter of 245:19 course at the Texas Department of Criminal Justice, or 245:20 suffer strokes and fallouts? Do you know if body 245:21 temperatures are always taken? 245:22 A. Well, I can tell you as a general rule for the 245:23 correctional side of the house, there's nothing that 245:24 specifically states or conveys that that is to be 245:25 ordered. Now, clearly, once it gets into -- the 246:01 offender inmate gets into the medical department, they 246:02 very well could ask for a temperature. Is it standard 246:03 protocol, no, sir, I'm not aware of standard protocol 246:04 that requires an internal body temperature.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
246:05 - 246:17	Sweetin, David 2024-07-25	00:00:51	DS.293
	246:05 Q. Well, do you know what vital signs are?		
	246:06 A. I think I do, yes, sir.		
	246:07 Q. What -- what is your understanding of what		
	246:08 vital signs are?		
	246:09 A. As it relates to somebody who's alive, it's --		
	246:10 it's -- it's the effects or causes to a decline in -- in		
	246:11 whether or not somebody's living. It could be the blood		
	246:12 pressure; it could be their breathing capabilities.		
	246:13 Q. Could be their pulse or it could be their		
	246:14 temperature, right? Those are the vital signs, right?		
	246:15 Please tell me you know this.		
	246:16 MR. CALB: Objection; argumentative.		
	246:17 A. Yes, sir.		
246:18 - 246:23	Sweetin, David 2024-07-25	00:00:15	DS.128
	246:18 Q. (BY MR. EDWARDS) Okay. So, you know, there's		
	246:19 going to be testimony from doctors that vital signs are		
	246:20 certainly dealing with breathing, respirations, pulse		
	246:21 rate, blood pressure, and temperature. And you		
	246:22 understand that, right?		
	246:23 A. Yes, sir, I understand that.		
246:24 - 246:24	Sweetin, David 2024-07-25	00:00:01	DS.294
	246:24 MR. CALB: Objection; form.		
246:25 - 247:01	Sweetin, David 2024-07-25	00:00:05	DS.295
	246:25 Q. (BY MR. EDWARDS) And -- and you told me		
	247:01 earlier there's no protocol for taking temperatures of		
247:02 - 247:04	Sweetin, David 2024-07-25	00:00:09	DS.129
	247:02 dead people. But you would agree that there is a		
	247:03 protocol for taking temperatures of live people who		
	247:04 aren't dead yet, right?		
247:05 - 247:05	Sweetin, David 2024-07-25	00:00:02	DS.296
	247:05 MR. CALB: Objection; form.		
247:06 - 247:11	Sweetin, David 2024-07-25	00:00:17	DS.130
	247:06 A. No, sir, I'm not aware of a protocol that says		
	247:07 that they are to take the internal temperature of -- of		
	247:08 somebody otherwise.		
	247:09 Q. (BY MR. EDWARDS) Well, that's one of the vital		
	247:10 signs. That's what doctors do.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	247:11 A. Okay. I agree to that, yes, sir.		
247:12 - 247:24	Sweetin, David 2024-07-25	00:00:36	DS.297
	247:12 Q. Okay.		
	247:13 A. Specifically, are you -- you were asking if		
	247:14 there's a policy. No, sir, we don't have a policy		
	247:15 specific to that.		
	247:16 Q. Well, yeah. Well, whether there's a policy or		
	247:17 not, it's what's supposed to be done. And one of the		
	247:18 reasons why you might not do it would be to hide the		
	247:19 fact that there are, in fact, heat-related deaths in the		
	247:20 system. That's one reason you might not be taking body		
	247:21 temperatures. Is -- is that why you're not always		
	247:22 insisting that body temperatures be taken?		
	247:23 MR. CALB: Objection; form.		
	247:24 A. I don't agree with that assertion, no, sir.		
247:25 - 248:03	Sweetin, David 2024-07-25	00:00:11	DS.131
	247:25 Q. (BY MR. EDWARDS) Why are you not insisting		
	248:01 that body temperatures be taken if you care about		
	248:02 finding out about whether or not there are heat-related		
	248:03 deaths at TDCJ prisons?		
248:04 - 248:04	Sweetin, David 2024-07-25	00:00:05	DS.298
	248:04 MR. CALB: Objection; form.		
248:05 - 248:10	Sweetin, David 2024-07-25	00:00:19	DS.133
	248:05 A. Because that's a determination to be made by		
	248:06 the medical profession at the time of the evaluation.		
	248:07 Q. (BY MR. EDWARDS) Does TDCJ care about finding		
	248:08 out if people are dying as a direct consequence of the		
	248:09 heat or partly as a consequence of the heat?		
	248:10 A. Yes, sir, I would say so.		
248:16 - 249:02	Sweetin, David 2024-07-25	00:00:48	DS.134
	248:16 Q. No. But do you not know that more than 20		
	248:17 people have died in TDCJ custody from the heat, that		
	248:18 TDCJ has agreed to that in prior litigation?		
	248:19 A. That they have -- the deaths were as a result		
	248:20 of heat? No, sir. We have no heat-related deaths.		
	248:21 Q. Okay. It's TDCJ testimony that you don't have		
	248:22 any heat-related deaths at the TDCJ -- in TDCJ? That's		
	248:23 your testimony?		
	248:24 A. Which is specific to heat, yes, sir.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	248:25 Q. And -- and as you testify here today, you 249:01 believe that's a truthful answer? 249:02 A. Absolutely, yes, sir.		
249:03 - 250:01	Sweetin, David 2024-07-25	00:01:17	DS.299
	249:03 Q. All right. You don't strike me as someone 249:04 who's, you know, going to purposely lie to me to my 249:05 face. So I just want to follow up on that. 249:06 Is it really your testimony that there have 249:07 been no heat-related deaths in the TDCJ system? Is that 249:08 really what you're saying? 249:09 MR. CALB: Objection; asked and answered. 249:10 Q. (BY MR. EDWARDS) I'll withdraw the -- the 249:11 first part. But I want to caution you, sir. Is it 249:12 really your testimony that there has -- that there has 249:13 not been heat deaths or heat-related deaths at TDCJ? Is 249:14 that really your testimony? 249:15 A. Could you explain "heat related"?249:16 Q. Deaths caused by the heat. 249:17 A. As the causal factor? 249:18 Q. Yes. 249:19 A. Yes, sir, I'll testify to that. 249:20 Q. Okay. Would you agree with me that if there 249:21 were deaths that were caused by the heat, okay, solely 249:22 caused by the heat, would you then agree that that's a 249:23 serious problem that TDCJ has to take steps to rectify 249:24 or ameliorate? 249:25 A. Which is exactly why we have no heat-specific 250:01 dates -- or deaths. Excuse me.		
250:02 - 250:11	Sweetin, David 2024-07-25	00:00:30	DS.136
	250:02 Q. Right. And you're telling me that you -- for 250:03 the last, I don't know, 20 years or so, you guys have 250:04 had policies in place to, you know, protect inmates from 250:05 the heat. And according to you, there haven't been any 250:06 heat-related deaths, or heat deaths, solely caused by 250:07 the heat, right? 250:08 A. Yes, sir, that is correct. 250:09 Q. Okay. 250:10 A. Heat has been a contributing factor, but not 250:11 the causal factor.		
251:09 - 251:23	Sweetin, David 2024-07-25	00:01:03	DS.137

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	251:09 Q. (BY MR. EDWARDS) Sir, would you tell me the 251:10 agency's distinction between "causal" and "contributing" 251:11 when it comes to heat deaths? 251:12 A. Sure. A contributing factors means that it's 251:13 one of many or several other factors associated but is 251:14 not the specific cause of the death. 251:15 Q. (BY MR. EDWARDS) And do you understand, as an 251:16 agency, that there can be more than one cause of a 251:17 person's death? 251:18 A. Yes, sir, I understand that there are causal 251:19 factors. 251:20 Q. And you understand that heat can cause stress 251:21 that would lead someone to suffer a heart attack. Do 251:22 you understand that? 251:23 A. Yes, sir.		DS.137
251:24 - 252:11	Sweetin, David 2024-07-25	00:00:41	DS.300
	251:24 Q. Okay. And your understanding of that is, well, 251:25 heat could be a contributing factor in that situation, 252:01 but it wasn't the cause of death because the heart 252:02 attack is really the cause of death. Is that what I'm 252:03 hearing from you? 252:04 MR. CALB: Objection to form. 252:05 A. Sir, what I'm saying is, it's a -- could be a 252:06 combination of multiple factors. What -- what I'm 252:07 telling you is that we have no deaths that were strictly 252:08 associated or as a result of -- of heat. 252:09 Q. (BY MR. EDWARDS) Well, those are two different 252:10 things, okay? You do have deaths that were as a result 252:11 of heat. But -- well, strike that.		
252:12 - 252:23	Sweetin, David 2024-07-25	00:00:46	DS.138
	252:12 There will be testimony that there have 252:13 been deaths as a result of heat. You, as an agency, 252:14 vehemently deny that, correct? 252:15 A. That is correct. We only -- 252:16 Q. Okay. And the basis for your vehement denial 252:17 is looking at autopsies and reading what is said as 252:18 cause of death on the autopsies, right? 252:19 A. Yes, sir, that is correct. 252:20 Q. Okay. Has the agency done any sort of studies 252:21 or hired any -- any scientific groups to evaluate		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	252:22 whether or not their interpretations are correct? 252:23 A. Not to my knowledge, no, sir.		
253:13 - 253:14	Sweetin, David 2024-07-25	00:00:03	DS.301
	253:13 Q. Well, I'll ask it this way. If you don't 253:14 understand, you don't understand.		
253:15 - 253:22	Sweetin, David 2024-07-25	00:00:27	DS.139
	253:15 Has the Texas Department of Criminal 253:16 Justice ever hired someone to evaluate whether or not 253:17 the heat is causing people to die that otherwise 253:18 wouldn't be dying in the Texas Prison System? 253:19 A. No, sir, not to my knowledge that we have hired 253:20 anybody specific for that, that role. Although, we do 253:21 have medical professionals that provide us with the 253:22 information.		
257:18 - 258:01	Sweetin, David 2024-07-25	00:00:25	DS.140
	257:18 Q. Okay. I'll read it so that -- so that Judge 257:19 Pittman understands. It's all studies, research, 257:20 publications, warnings, and other information that TDCJ 257:21 currently has regarding the risks that temperatures over 257:22 85 degrees pose to TDCJ inmates and employees, 257:23 including, but not limited to, the risks of heat-related 257:24 illnesses and death. You're -- you're here to testify 257:25 about that, right? 258:01 A. Yes, sir, that is correct.		
260:15 - 260:18	Sweetin, David 2024-07-25	00:00:14	DS.142
	260:15 Q. (BY MR. EDWARDS) Did you locate any studies 260:16 that you found that you reviewed? 260:17 A. Yes, sir. I did find two studies that I had 260:18 reviewed.		
260:19 - 260:19	Sweetin, David 2024-07-25	00:00:06	DS.302
	260:19 Q. Yeah. They're reports from Dean Rieger, right?		
260:20 - 260:25	Sweetin, David 2024-07-25	00:00:25	DS.143
	260:20 A. This is a report from the -- on the extreme 260:21 temperatures and COVID-19 in Texas prisons from the -- 260:22 Texas A&M University as a reduction and recovery center. 260:23 Q. Okay. You read that. 260:24 A. And, then, another one, JAMA Network is 260:25 provision of air-conditioned and heat-related mortality		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
261:01 - 261:01	Sweetin, David 2024-07-25 261:01 in Texas prisons.	00:00:08	DS.144
261:06 - 261:09	Sweetin, David 2024-07-25 261:06 Q. Okay. Well, those studies are pretty shocking 261:07 in terms of the danger that the lack of air conditioning 261:08 causes inmates in the Texas prison population, aren't 261:09 they?	00:00:11	DS.145
261:10 - 261:10	Sweetin, David 2024-07-25 261:10 MR. CALB: Objection; form.	00:00:03	DS.303
261:11 - 261:14	Sweetin, David 2024-07-25 261:11 A. Well, to be honest with you, I didn't give it 261:12 much credibility. It's not something that we sanctioned 261:13 or were involved in to the extent where I feel the 261:14 veracity of the information is -- is accurate.	00:00:20	DS.146
261:15 - 262:05	Sweetin, David 2024-07-25 261:15 Q. (BY MR. EDWARDS) So you reviewed the -- the 261:16 Skarha study, which concluded that there were more than 261:17 200 deaths that the heat was responsible for during a, 261:18 you know, 19-year period, right? 261:19 A. No, sir. I can't testify on behalf of -- of 261:20 these two reports that I'm looking at and had access to 261:21 over the course of my preparation. Again, it's not 261:22 something that we sanctioned or -- or were involved in. 261:23 Q. All right. So just to be clear, you reviewed, 261:24 and the agency has seen and reviewed, the -- the Skarha 261:25 report in JAMA regarding the provision of air 262:01 conditioning in Texas -- Texans. And am I stating the 262:02 agency's position correctly? You disregarded it because 262:03 you did not sanction it. Is that fair? 262:04 MR. CALB: Objection; misstates testimony. 262:05 A. No, sir, that's not fair.	00:01:16	DS.304
262:06 - 262:14	Sweetin, David 2024-07-25 262:06 Q. (BY MR. EDWARDS) Okay. I thought you told me 262:07 that you didn't give it much credit because you weren't 262:08 responsible for making it happen. Did I mishear you? 262:09 A. Essentially, that was it. I don't -- I don't 262:10 know how reliable these studies are, just simply 262:11 because, again, we were not involved in the studies. 262:12 Q. Well, have you asked anybody how reliable the	00:00:42	DS.147

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	262:13 study was? 262:14 A. No, sir.		
262:15 - 262:19	Sweetin, David 2024-07-25	00:00:24	DS.305
	262:15 Q. I mean, do you know where Dr. Skarha went to 262:16 college? 262:17 MR. CALB: Objection; form. 262:18 A. I don't feel that's relevant, sir. 262:19 Q. (BY MR. EDWARDS) Okay. Well -- okay. You		
262:20 - 263:02	Sweetin, David 2024-07-25	00:01:02	DS.148
	262:20 just -- Do you understand the conclusions in the -- the 262:21 Skarha study? 262:22 A. No, sir. I didn't need to understand it. 262:23 Again, I don't know the -- the extent of their 262:24 investigation and the reliability of the information 262:25 that they provided. For that reason, it's nothing more 263:01 than writing on a piece of paper. 263:02 Q. Are you an epidemiologist?		
263:03 - 263:03	Sweetin, David 2024-07-25	00:00:03	DS.306
	263:03 MR. CALB: Objection; form.		
263:04 - 263:09	Sweetin, David 2024-07-25	00:00:29	DS.150
	263:04 A. No, sir. 263:05 Q. (BY MR. EDWARDS) Do you know what epidemiology 263:06 is? 263:07 A. No, sir. 263:08 Q. Well, before you disregard an epidemiological 263:09 study, shouldn't you try to find out what it is?		
263:10 - 263:10	Sweetin, David 2024-07-25	00:00:02	DS.307
	263:10 MR. CALB: Objection; form.		
263:11 - 263:14	Sweetin, David 2024-07-25	00:00:17	DS.151
	263:11 A. No, sir. Again, I've read lots of documents 263:12 that are just words on paper. That doesn't necessarily 263:13 make them true, accurate, and a reflection of what's 263:14 actually going on. So I didn't take any merit with it.		
264:01 - 265:03	Sweetin, David 2024-07-25	00:01:12	DS.308
	264:01 Q. Well, let me read the -- Do you agree or -- do 264:02 you agree that there's a large body of epidemiologic 264:03 evidence that heat is associated with an increased risk 264:04 of mortality?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	<p>264:05 MR. CALB: Objection; outside the scope if</p> <p>264:06 you're asking him personally.</p> <p>264:07 MR. EDWARDS: This is dead center scope of</p> <p>264:08 the examination. Dead center.</p> <p>264:09 (Speaking simultaneously.)</p> <p>264:10 MR. EDWARDS: Dead center, Michael.</p> <p>264:11 MR. CALB: (Inaudible) personally. And</p> <p>264:12 That's my -- My only distinction is --</p> <p>264:13 MR. EDWARDS: Kelly --</p> <p>264:14 That's fine. You objected "outside the</p> <p>264:15 scope." It's a spurious, ridiculous objection, but</p> <p>264:16 continue to make it.</p> <p>264:17 Kelly, would you read the exact question to</p> <p>264:18 Mr. Sweetin, please.</p> <p>264:19 (Brief pause.)</p> <p>264:20 THE REPORTER: Sorry.</p> <p>264:21 MR. EDWARDS: Or would it be easier if I</p> <p>264:22 just repeated it?</p> <p>264:23 (Requested portion was read.)</p> <p>264:24 MR. CALB: Objection; outside the scope if</p> <p>264:25 you're asking him his opinion.</p> <p>265:01 Q. (BY MR. EDWARDS) Please answer the question,</p> <p>265:02 sir.</p> <p>265:03 A. Explain what you're asking.</p>		
265:04 - 265:14	Sweetin, David 2024-07-25	00:00:39	DS.152
	<p>265:04 Q. I'm asking if you agree with the author of this</p> <p>265:05 paper that you reviewed that there is a large body of</p> <p>265:06 epidemiologic evidence that heat is associated with --</p> <p>265:07 with increased risk of mortality.</p> <p>265:08 A. Well, as I stated prior, I don't have an</p> <p>265:09 opinion on this one way or the other.</p> <p>265:10 Q. Well, don't you think it's time that the</p> <p>265:11 Department of Criminal Justice started to have an</p> <p>265:12 opinion about the epidemiologic evidence that -- that</p> <p>265:13 does, in fact, show that heat is associated with an</p> <p>265:14 increased risk of mortality?</p>		
265:16 - 265:16	Sweetin, David 2024-07-25	00:00:10	DS.153
	265:16 A. I feel like we're taking appropriate measures.		
265:17 - 266:03	Sweetin, David 2024-07-25	00:00:34	DS.309
	265:17 Q. (BY MR. EDWARDS) Would it concern you, as the		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	<p>265:18 Department of Criminal Justice, if there were 13 deaths</p> <p>265:19 annually as a consequence of the heat inside the Texas</p> <p>265:20 Prison System?</p> <p>265:21 MR. CALB: Objection; form.</p> <p>265:22 Q. (BY MR. EDWARDS) On average.</p> <p>265:23 A. If it was a heat-specific death? Is that your</p> <p>265:24 question?</p> <p>265:25 Q. I'd like you to just answer my question. I'm</p> <p>266:01 done with the word games, sir. I don't have enough time</p> <p>266:02 to play anymore. Now we're just -- you're getting full</p> <p>266:03 Jeff here, okay?</p>		
266:04 - 266:24	Sweetin, David 2024-07-25	00:01:18	DS.154
	<p>266:04 Does it -- Would it concern you if there</p> <p>266:05 were 13 deaths that were associated with the heat due to</p> <p>266:06 a lack of air conditioning in the Texas Prison System?</p> <p>266:07 Can you please answer my question, sir.</p> <p>266:08 A. There again, it's -- it's -- I'm not</p> <p>266:09 understanding your -- your question. Because what I</p> <p>266:10 speak on is on behalf of what is related specific to</p> <p>266:11 heat. Again, heat can be a variable in regard to a</p> <p>266:12 debt, but that doesn't make it a heat death.</p> <p>266:13 If -- if you're asking me if there were 13</p> <p>266:14 heat-related deaths specific to heat, yes, sir, that</p> <p>266:15 would be a problem.</p> <p>266:16 Q. Why?</p> <p>266:17 A. Because of our preventative measures that we</p> <p>266:18 put in place, as well as our --</p> <p>266:19 Q. It would --</p> <p>266:20 MR. CALB: Let him finish.</p> <p>266:21 A. Go ahead.</p> <p>266:22 Q. (BY MR. EDWARDS) Let me finish for you. It</p> <p>266:23 would be a problem because your preventative measures</p> <p>266:24 are worthless. That's what it would indicate, right?</p>		
266:25 - 266:25	Sweetin, David 2024-07-25	00:00:09	DS.310
	266:25 MR. CALB: Objection; argumentative, form.		
267:01 - 267:05	Sweetin, David 2024-07-25	00:00:15	DS.155
	<p>267:01 A. Means we could potentially have some problems,</p> <p>267:02 yes, sir.</p> <p>267:03 Q. (BY MR. EDWARDS) Well, do you think it's</p> <p>267:04 appropriate for the agency to stick its head in the sand</p>		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	267:05 and ignore studies by competent epidemiologists?		
267:06 - 267:06	Sweetin, David 2024-07-25	00:00:06	DS.311
	267:06 MR. CALB: Objection; form.		
267:07 - 267:20	Sweetin, David 2024-07-25	00:00:47	DS.156
	267:07 A. No, sir, it wouldn't be appropriate for us to		
	267:08 stick our heads in the sand on any topic.		
	267:09 Q. (BY MR. EDWARDS) It would -- it would be		
	267:10 the -- it would be the epitome of indifference, being		
	267:11 made aware of a problem and ignoring it, right?		
	267:12 MR. CALB: Objection; form.		
	267:13 A. I understand there's a difference in medical		
	267:14 opinions and people's opinions. And, again, just		
	267:15 because I've got a study here in front of me, that		
	267:16 doesn't provide me with any insight as to the accuracy		
	267:17 of the data. So, therefore, I don't have an opinion of		
	267:18 it one way or the other.		
	267:19 Q. (BY MR. EDWARDS) Well, again, isn't it time		
	267:20 for you to get an opinion and seek one out?		
267:21 - 267:21	Sweetin, David 2024-07-25	00:00:04	DS.312
	267:21 MR. CALB: Objection to form.		
267:22 - 268:09	Sweetin, David 2024-07-25	00:00:39	DS.157
	267:22 A. Yes, sir. And I believe we've done that.		
	267:23 Q. (BY MR. EDWARDS) Okay. Who gave you an		
	267:24 opinion about -- about Dr. Skarha's study, which		
	267:25 actually reflects an incidence of 14 deaths annually due		
	268:01 to the heat, not 13. But who gave you an opinion that		
	268:02 leads you to be able to discount this study?		
	268:03 A. I wasn't referring to this particular study.		
	268:04 Q. Okay. Well, let's talk about this particular		
	268:05 study. You've read it, or you haven't? Well,		
	268:06 withdrawn. You told me you read it. You told me you		
	268:07 reviewed it in preparation for this deposition, yet		
	268:08 you're disregarding it even though you're not an		
	268:09 epidemiologist. Why, sir?		
268:11 - 268:19	Sweetin, David 2024-07-25	00:00:36	DS.159
	268:11 A. As I previously stated, the information that's		
	268:12 provided in the report has not necessarily come from any		
	268:13 reliable sources. And because we were not involved in		
	268:14 it, nor did we sanction it, then, for that reason, I		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	268:15 have no opinion of it one way or another when it comes 268:16 to what we're doing. 268:17 Q. (BY MR. EDWARDS) What evidence do you have to 268:18 suggest that the data that Dr. Skarha relied upon is 268:19 unreliable?		
268:20 - 268:20	Sweetin, David 2024-07-25	00:00:04	DS.313
	268:20 MR. CALB: Objection; form.		
268:21 - 268:21	Sweetin, David 2024-07-25	00:00:04	DS.160
	268:21 A. No data, sir.		
269:04 - 269:07	Sweetin, David 2024-07-25	00:00:15	DS.161
	269:04 Q. Well, would a thirtyfold increase in heat- 269:05 attributed deaths, when compared with estimates in the 269:06 general U.S. population, cause a responsible 269:07 administrator some concern?		
269:08 - 269:08	Sweetin, David 2024-07-25	00:00:04	DS.314
	269:08 MR. CALB: Objection; form.		
269:09 - 269:09	Sweetin, David 2024-07-25	00:00:03	DS.162
	269:09 A. Is that an excerpt out of the report?		
269:10 - 269:17	Sweetin, David 2024-07-25	00:00:13	DS.315
	269:10 Q. (BY MR. EDWARDS) Does it matter? 269:11 A. Yes, sir, if you're asking me to -- 269:12 Q. Yes, it's an excerpt out of the report. 269:13 (Speaking simultaneously.) 269:14 Q. Does that -- does that excerpt cause you 269:15 concern? 269:16 THE REPORTER: Sorry. You're speaking over 269:17 each other.		
269:18 - 270:01	Sweetin, David 2024-07-25	00:00:31	DS.163
	269:18 Q. (BY MR. EDWARDS) Yes, sir, it's an excerpt 269:19 from the report. Does that excerpt from the report from 269:20 Dr. Skarha cause you concern as an agency? 269:21 A. No, sir. 269:22 Q. So the fact that 13 percent of deaths -- 271 269:23 deaths that may be attributed to extreme heat during 269:24 warm months in Texas prisons, without universal air 269:25 conditioning, between 2001 and 2019 does not cause you 270:01 concern?		
270:02 - 270:02	Sweetin, David 2024-07-25	00:00:03	DS.316

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	270:02 MR. CALB: Objection to form.		DS.316
270:03 - 270:11	Sweetin, David 2024-07-25	00:00:45	DS.165
	270:03 A. Well, again, I will say that there's not much		
	270:04 merit in regard to these particular studies because we		
	270:05 don't -- we don't know the -- the reliability of the		
	270:06 data that was provided to them during the study.		
	270:07 Q. (BY MR. EDWARDS) Okay. So -- all right.		
	270:08 Don't you think it's incredibly dangerous to discount or		
	270:09 not find out about the efficacy of a study when it's so		
	270:10 important to the -- the well-being and safety of the men		
	270:11 and women in your custody and control?		
270:12 - 270:12	Sweetin, David 2024-07-25	00:00:06	DS.317
	270:12 MR. CALB: Objection; form.		
270:13 - 270:18	Sweetin, David 2024-07-25	00:00:22	DS.166
	270:13 A. Sir, what I can say is there all -- all kinds		
	270:14 of documents that I can pull up that -- and read to you.		
	270:15 But that doesn't necessarily mean that they're accurate.		
	270:16 Q. (BY MR. EDWARDS) Does it mean they're -- does		
	270:17 it mean that all studies are inaccurate if they are		
	270:18 something that you don't like reading?		
270:19 - 270:19	Sweetin, David 2024-07-25	00:00:03	DS.318
	270:19 MR. CALB: Objection; form.		
270:20 - 270:25	Sweetin, David 2024-07-25	00:00:22	DS.167
	270:20 A. No, sir.		
	270:21 Q. (BY MR. EDWARDS) Do you consider Texas A&M to		
	270:22 be a reliable institution when it comes to putting out		
	270:23 papers on the dangers of extreme temperatures?		
	270:24 A. I believe Texas A&M has a good reputation, a		
	270:25 solid reputation.		
271:01 - 271:13	Sweetin, David 2024-07-25	00:00:54	DS.319
	271:01 Q. Well, the lead author for the study that's --		
	271:02 that you've also reviewed, Extreme Temperatures in		
	271:03 COVID-19 in Texas Prisons, was J. Carlee Purdum, a PhD		
	271:04 from Texas A&M, right?		
	271:05 A. Yes, sir.		
	271:06 Q. And the group that put out this paper was the		
	271:07 Hazard Reduction and Recovery Center at Texas A&M,		
	271:08 right?		
	271:09 A. It would appear so, yes, sir.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	271:10 Q. Okay. It concluded that mitigation measures 271:11 that purportedly are being used by TDCJ are -- are 271:12 inconsistently followed throughout the system. Isn't 271:13 that really concerning to you?		
271:14 - 271:14	Sweetin, David 2024-07-25	00:00:03	DS.320
	271:14 MR. CALB: Objection to form.		
271:15 - 271:25	Sweetin, David 2024-07-25	00:00:38	DS.169
	271:15 A. No, sir, not at all. 271:16 Q. (BY MR. EDWARDS) And it concluded that 271:17 22 percent of inmates, not just those surveyed, who were 271:18 cool-bed priority offenders because of heat sensitivity 271:19 did not have access to cool beds at the time, 271:20 August 2020. Does that concern you? 271:21 A. And I'm curious how they would know that. 271:22 Q. Well, did you try to find out if that -- did 271:23 you do anything to try to determine whether or not that 271:24 conclusion was accurate? 271:25 A. No, sir.		
272:01 - 272:11	Sweetin, David 2024-07-25	00:00:34	DS.170
	272:01 Q. Okay. Did you do anything to determine whether 272:02 or not the conclusion that mitigation measures were 272:03 inconsistently followed throughout the system? Did you 272:04 do anything to examine that? 272:05 A. No, sir. 272:06 Q. Did you do anything to examine their conclusion 272:07 that 60 percent of inmates serviced -- surveyed reported 272:08 wellness checks were not being done? 272:09 A. No, sir. 272:10 Q. Now, if that were true, that would be terrible 272:11 and -- and a true danger to the inmates, right?		
272:12 - 272:12	Sweetin, David 2024-07-25	00:00:03	DS.321
	272:12 MR. CALB: Objection; form.		
272:13 - 272:15	Sweetin, David 2024-07-25	00:00:09	DS.171
	272:13 A. Yeah. If it was substantiated, yes. 272:14 Q. (BY MR. EDWARDS) Well, in order to determine 272:15 if something's true, you got to investigate it, right?		
272:16 - 272:16	Sweetin, David 2024-07-25	00:00:01	DS.322
	272:16 MR. CALB: Objection; form.		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
272:17 - 273:02	Sweetin, David 2024-07-25 272:17 A. That is correct. 272:18 Q. (BY MR. EDWARDS) Did the agency investigate 272:19 this conclusion from this study, that 60 percent of 272:20 inmates who were surveyed noted wellness checks not 272:21 being done? 272:22 A. I'm not aware of any type of investigation in 272:23 regard to either one of these reports. 272:24 Q. Okay. Let's go through another conclusion. 272:25 43 percent of inmates surveyed reported that in 2020 273:01 they had a health crisis disregarded. That seems 273:02 concerning to me. It's not concerning to the agency?	00:00:36	DS.172
273:03 - 273:03	Sweetin, David 2024-07-25 273:03 MR. CALB: Objection; form.	00:00:02	DS.323
273:04 - 273:12	Sweetin, David 2024-07-25 273:04 A. Not in the form of this report, no, sir. 273:05 Q. (BY MR. EDWARDS) Two-thirds of the inmates who 273:06 were surveyed said they had no access to cool-down extra 273:07 showers. That would concern me. It doesn't concern 273:08 you? 273:09 A. If that were the case. 273:10 Q. And in order -- You did -- and you did nothing 273:11 to deter -- you, as an agency, did nothing to determine 273:12 if this conclusion were accurate or not, correct?	00:00:28	DS.174
273:13 - 273:13	Sweetin, David 2024-07-25 273:13 MR. CALB: Objection to form.	00:00:03	DS.324
273:14 - 273:23	Sweetin, David 2024-07-25 273:14 A. As I stated, I'm not aware of any kind of 273:15 investigative measures that we conducted on either one 273:16 of these studies. 273:17 Q. (BY MR. EDWARDS) This -- this report noted 273:18 that there were almost 1200 grievances between 273:19 September 2019 and August 2020 just about water and ice 273:20 being unavailable. Did you do anything to investigate 273:21 that conclusion? 273:22 A. No, sir. 273:23 Q. Don't you think you should have?	00:00:39	DS.175
273:24 - 273:24	Sweetin, David 2024-07-25 273:24 MR. CALB: Objection to form.	00:00:02	DS.325

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
273:25 - 273:25	Sweetin, David 2024-07-25 273:25 A. No, sir.	00:00:10	DS.176
274:01 - 274:03	Sweetin, David 2024-07-25 274:01 Q. (BY MR. EDWARDS) Well, were there 1200 274:02 grievances about water and ice not being available, or 274:03 do you know?	00:00:09	DS.177
274:04 - 274:04	Sweetin, David 2024-07-25 274:04 MR. CALB: Objection; outside the scope.	00:00:05	DS.326
274:05 - 274:10	Sweetin, David 2024-07-25 274:05 A. No, sir. That's what their assertion is, but I 274:06 do not know that to be the case. 274:07 Q. (BY MR. EDWARDS) Well, Good Lord. Did you 274:08 check the grievances to see if there were that many 274:09 grievances about a lack of ice and water being 274:10 available?	00:00:19	DS.178
274:11 - 274:11	Sweetin, David 2024-07-25 274:11 MR. CALB: Objection; outside the scope.	00:00:03	DS.327
274:12 - 274:25	Sweetin, David 2024-07-25 274:12 A. I'll say it again. We did no investigative 274:13 measures in regard to either one of these reports. We 274:14 rely on our internal data. 274:15 Q. (BY MR. EDWARDS) Okay. Well, you know, on 274:16 July 12th, 2022, Bryan Collier testified to the house 274:17 appropriations committee about Texas prisons, and 274:18 Dr. Purdum testified immediately after him about the 274:19 report while Director Collier was still there. 274:20 And to your knowledge, nobody investigated 274:21 the conclusions in the report or the testimony that 274:22 Dr. Purdum gave? 274:23 A. To my knowledge, you are correct. 274:24 Q. During that same time period, according to 274:25 the -- the report, or the study, there were more than, I	00:00:51	DS.179
275:01 - 275:11	Sweetin, David 2024-07-25 275:01 think, 1255, but let's give or take ten or 20 grievances 275:02 about not having access to respite areas. Nobody at 275:03 TDCJ investigated this? 275:04 A. Again, I don't know that the information is 275:05 accurate to investigate it.	00:00:35	DS.180

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	275:06 Q. Well, let's say that there were 1200-plus 275:07 grievances about not having access to respite areas. 275:08 That would cause any administrator who cares about the 275:09 health and well-being of the men in his care and control 275:10 some serious concern, right? 275:11 A. Sure.		
275:12 - 276:02	Sweetin, David 2024-07-25	00:00:58	DS.328
	275:12 MR. CALB: Objection; form. 275:13 Q. (BY MR. EDWARDS) Okay. 47 percent of the 275:14 people surveyed reported that they were denied access to 275:15 respite areas. TDCJ undertook no investigation of that 275:16 conclusion or that survey result, right? 275:17 A. We did not, simply because I don't know how 275:18 that data was -- they came about that particular data. 275:19 Q. Did you talk to the author of the study and ask 275:20 him or her about how they came to get that data? 275:21 A. Again, I'm not aware of any investigative 275:22 measures that we went through in regard to either one of 275:23 these reports. 275:24 Q. I mean, if you care about the health and 275:25 well-being of the men and women in your -- in your 276:01 custody and control, shouldn't you investigate these 276:02 things?		
275:13 - 276:02	Sweetin, David 2024-07-25	00:00:56	DS.181
	275:13 Q. (BY MR. EDWARDS) Okay. 47 percent of the 275:14 people surveyed reported that they were denied access to 275:15 respite areas. TDCJ undertook no investigation of that 275:16 conclusion or that survey result, right? 275:17 A. We did not, simply because I don't know how 275:18 that data was -- they came about that particular data. 275:19 Q. Did you talk to the author of the study and ask 275:20 him or her about how they came to get that data? 275:21 A. Again, I'm not aware of any investigative 275:22 measures that we went through in regard to either one of 275:23 these reports. 275:24 Q. I mean, if you care about the health and 275:25 well-being of the men and women in your -- in your 276:01 custody and control, shouldn't you investigate these 276:02 things?		
276:03 - 276:03	Sweetin, David 2024-07-25	00:00:06	DS.329

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	276:03 MR. CALB: Objection to form.		DS.329
276:04 - 276:08	Sweetin, David 2024-07-25	00:00:18	DS.183
	276:04 A. Not necessarily, no, sir.		
	276:05 Q. (BY MR. EDWARDS) What's it take to get you to		
	276:06 conduct an investigation as to whether or not you're		
	276:07 actually doing the mitigation measures you report to the		
	276:08 legislature and the public you're doing?		
276:09 - 276:10	Sweetin, David 2024-07-25	00:00:04	DS.330
	276:09 MR. CALB: Objection to form, outside the		
	276:10 scope.		
276:11 - 276:20	Sweetin, David 2024-07-25	00:00:46	DS.184
	276:11 A. Again, we rely on our internal data and		
	276:12 reporting, whether it be inmate grievances, verbal		
	276:13 complaints, information passed on from department to		
	276:14 department. Yes, sir, there's -- there's --		
	276:15 Q. (BY MR. EDWARDS) Look, sir, you've got a		
	276:16 doctor, an epidemiologist, pointing out to you that --		
	276:17 that more than 200 people died as a consequent --		
	276:18 consequence of exposure to heat in the Texas Prison		
	276:19 System. And are you seriously telling me you did		
	276:20 nothing to investigate her conclusions?		
276:21 - 276:21	Sweetin, David 2024-07-25	00:00:02	DS.331
	276:21 MR. CALB: Objection; form.		
276:22 - 277:02	Sweetin, David 2024-07-25	00:00:23	DS.185
	276:22 A. What I'm telling you is that we did not		
	276:23 authorize or sanction or had any administrative		
	276:24 involvement in any -- either one of these reports. For		
	276:25 that reason, I don't know the -- the reliability of the		
	277:01 information that was provided other than what's written		
	277:02 on the paper.		
277:08 - 277:18	Sweetin, David 2024-07-25	00:00:44	DS.187
	277:08 Q. Okay. Patrick Womack is an individual who had		
	277:09 a 106-degree core body temperature, and his cause of		
	277:10 death is hyperthermia due to serotonin syndrome from		
	277:11 sertraline toxicity. Environmental heat is a contrib --		
	277:12 is a possible contributory factor. That's what the		
	277:13 autopsy said.		
	277:14 Do you know the significance of 106-degree		
	277:15 core body temperature, sir?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	277:16 A. Yes, sir. I know that it's not good. 277:17 Q. I respect understatement as much as the next 277:18 person. It's deadly, isn't it?		
277:19 - 277:19	Sweetin, David 2024-07-25	00:00:03	DS.332
	277:19 MR. CALB: Objection; outside the scope.		
277:20 - 278:03	Sweetin, David 2024-07-25	00:00:36	DS.188
	277:20 A. Yes, sir. 277:21 Q. (BY MR. EDWARDS) There is going to be 277:22 testimony that that death was a direct consequence of 277:23 Mr. Womack's exposure to the heat. You just don't -- 277:24 don't believe that to be the case, based on the autopsy. 277:25 Is that correct? 278:01 A. As I previously stated, the heat was a 278:02 contributing factor, not the -- not the sole causal 278:03 factor of the death.		
278:11 - 278:25	Sweetin, David 2024-07-25	00:00:51	DS.190
	278:11 Q. Sure. The Texas A&M study that you've 278:12 reviewed, the -- the conclusions that I went through 278:13 with you that ice -- ice and water were not being 278:14 regularly distributed, that respite areas were not -- 278:15 that people were not being taken to respite areas, air 278:16 conditioning was denied to people, that's in direct 278:17 violation of your policies if it were happening, right? 278:18 A. Yes, sir, I agree with that, if it was 278:19 happening. 278:20 Q. And, you know, again, I've pointed out two 278:21 deaths that are causally related to indoor exposure to 278:22 heat that your response to me is, we're not going to 278:23 change what we're doing; we're simply going to 278:24 categorize this as a not-solely-related-to-heat death. 278:25 Is that -- do I hear you correctly?		
279:01 - 279:01	Sweetin, David 2024-07-25	00:00:04	DS.333
	279:01 MR. CALB: Objection; form.		
279:02 - 279:02	Sweetin, David 2024-07-25	00:00:03	DS.191
	279:02 A. Yes, sir. When we review the autopsy --		
279:03 - 279:03	Sweetin, David 2024-07-25	00:00:00	DS.334
	279:03 Q. (BY MR. EDWARDS) Oh, God.		
279:04 - 279:09	Sweetin, David 2024-07-25	00:00:21	DS.192

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	279:04 A. -- based on the medical professional's opinion, 279:05 that's how we draw our conclusion. 279:06 Q. Yeah. Well, the medical professional's opinion 279:07 is that heat is a contributing factor in the person's 279:08 death. That's what the medical professional's opinion 279:09 is, right?		DS.192
279:10 - 279:10	Sweetin, David 2024-07-25	00:00:04	DS.335
	279:10 MR. CALB: Objection to form.		
279:11 - 279:11	Sweetin, David 2024-07-25	00:00:01	DS.193
	279:11 A. Could possibly be.		
279:12 - 279:19	Sweetin, David 2024-07-25	00:00:19	DS.336
	279:12 Q. (BY MR. EDWARDS) Yeah. So how dare you 279:13 represent to the public that there aren't any 279:14 heat-related deaths when you know that to be false? 279:15 MR. CALB: Objection. It's unnecessarily 279:16 badgering the witness. 279:17 MR. EDWARDS: Well, you know what, it was 279:18 pretty harsh. Let me ask it -- I'll withdraw it. Let 279:19 me ask it this way.		
279:20 - 279:25	Sweetin, David 2024-07-25	00:00:23	DS.194
	279:20 Q. (BY MR. EDWARDS) Sir, you know that 279:21 environmental exposure to heat was a contributing factor 279:22 in multiple deaths. Given that knowledge, how can you 279:23 responsibly relay to the public that there haven't been 279:24 any heat-related deaths when you know that not to be 279:25 true?		
280:01 - 280:01	Sweetin, David 2024-07-25	00:00:04	DS.337
	280:01 MR. CALB: Objection to form.		
280:02 - 280:03	Sweetin, David 2024-07-25	00:00:04	DS.195
	280:02 A. That's our opinion based on our analysis of the 280:03 data that was provided.		
280:08 - 280:15	Sweetin, David 2024-07-25	00:00:21	DS.196
	280:08 Q. (BY MR. EDWARDS) Would anything change your 280:09 opinion, sir? 280:10 A. I'm not going to say anything, no, sir. 280:11 Q. Well, I -- I've given you evidence that would 280:12 change your -- most people's opinions in the form of Mr. 280:13 Castillo and Mr. Womack's autopsy results. That hasn't		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	280:14 changed your opinion, correct? 280:15 A. No, sir.		
280:16 - 280:16	Sweetin, David 2024-07-25	00:00:02	DS.338
	280:16 MR. CALB: Objection; form. (Inaudible.)		
280:17 - 280:21	Sweetin, David 2024-07-25	00:00:22	DS.197
	280:17 Q. (BY MR. EDWARDS) And I've put forward and I've 280:18 talked to you about the two studies you reviewed that 280:19 have alarming conclusions. That hasn't changed your 280:20 opinion, right? 280:21 A. No, sir, it has not.		
281:04 - 281:14	Sweetin, David 2024-07-25	00:00:43	DS.198
	281:04 Q. (BY MR. EDWARDS) Okay. Well, all right, let's 281:05 see if you disregard the next autopsy -- next dead 281:06 person we talk about from the heat. Do you know who 281:07 Elizabeth Haggerty is? 281:08 A. Yes, sir. 281:09 Q. Okay. The autopsy says that elevated 281:10 environmental temperatures, i.e., heat stress, obesity 281:11 and diabetes may be contributed -- contributory factors 281:12 to her death. Does that impact your belief that there 281:13 still have been no heat-related deaths? 281:14 A. I believe the keyword there is "may."		
281:15 - 282:15	Sweetin, David 2024-07-25	00:01:28	DS.339
	281:15 Q. Okay. Well, there's going to be -- there's 281:16 going to be testimony from a board-certified doctor that 281:17 it did cause and it was one of the causes of her death, 281:18 okay? That's going to be presented at trial, okay? If 281:19 you hear from a doctor that it -- it did cause her 281:20 death, are you going to disregard that doctor's opinion? 281:21 MR. CALB: Objection to form. 281:22 A. So you're asking me to disregard the first bit 281:23 of information we got to go along with this other one? 281:24 Q. (BY MR. EDWARDS) Well, do you know -- 281:25 (Speaking simultaneously.) 282:01 Q. -- do you know if -- Well, all right. I don't 282:02 think anything will change your opinion. But I did want 282:03 to give you a chance. 282:04 Ms. Haggerty. Was a -- was a core body 282:05 temperature taken?		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	<p>282:06 A. That, I'm not aware of.</p> <p>282:07 Q. Okay. You know, if heat worsens an underlying</p> <p>282:08 condition and contributes to a death, isn't heat</p> <p>282:09 partially responsible for that death?</p> <p>282:10 MR. CALB: Objection to form.</p> <p>282:11 A. That's a very broad question that you asked</p> <p>282:12 there. I don't -- I don't --</p> <p>282:13 Q. (BY MR. EDWARDS) Did you not understand my</p> <p>282:14 question? I'm happy to reask it.</p> <p>282:15 A. Sure. Why don't you.</p>		
282:16 - 282:25	Sweetin, David 2024-07-25	00:00:36	DS.199
	<p>282:16 Q. Okay. If a doctor testifies that -- that the</p> <p>282:17 heat and Ms. Haggerty's exposure to this extreme heat</p> <p>282:18 worsened her underlying medical conditions and</p> <p>282:19 contributed to or partly caused her death, you just</p> <p>282:20 totally disagree with that, right?</p> <p>282:21 A. No, sir. I would respect that doctor's</p> <p>282:22 opinion. But that's not the only opinion.</p> <p>282:23 Q. Would you then consider it to be a heat-related</p> <p>282:24 death?</p> <p>282:25 A. No, sir.</p>		
283:01 - 283:17	Sweetin, David 2024-07-25	00:00:43	DS.340
	<p>283:01 Q. Okay. So you're going to continue to -- Just</p> <p>283:02 as of now, despite what I've put forward to you, you're</p> <p>283:03 going to continue to tell the public there have been no</p> <p>283:04 heat-related deaths, correct?</p> <p>283:05 A. We're going to continue to evaluate the</p> <p>283:06 information provided to us, and our interpretation of</p> <p>283:07 it, yes, sir.</p> <p>283:08 Q. Well, that's wrong on so many levels, it's hard</p> <p>283:09 for me to deal with it. You just said you're going to</p> <p>283:10 evaluate the information you're provided and then make a</p> <p>283:11 determination. Did I hear you correctly?</p> <p>283:12 A. Yes, sir, you did.</p> <p>283:13 Q. But you don't evaluate the information you're</p> <p>283:14 given and make determinations. You completely disregard</p> <p>283:15 it. Isn't that the case?</p> <p>283:16 MR. CALB: Objection; argumentative, form.</p> <p>283:17 A. No, sir, I disagree with that.</p>		
283:18 - 283:19	Sweetin, David 2024-07-25	00:00:07	DS.200

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	283:18 Q. (BY MR. EDWARDS) Well, you completely 283:19 disregarded Dr. Skarha's study, right?		DS.200
283:20 - 283:20	Sweetin, David 2024-07-25	00:00:05	DS.341
	283:20 MR. CALB: Objection to form.		
283:21 - 283:23	Sweetin, David 2024-07-25	00:00:10	DS.201
	283:21 A. That is correct. I have no -- 283:22 Q. (BY MR. EDWARDS) And you've completely 283:23 disregarded Dr. Purdum's study, right?		
283:24 - 283:24	Sweetin, David 2024-07-25	00:00:02	DS.342
	283:24 MR. CALB: Objection; form.		
283:25 - 284:02	Sweetin, David 2024-07-25	00:00:14	DS.202
	283:25 A. We didn't question the doctor's integrity, or 284:01 the professor's integrity. What was in question was the 284:02 reliability of the information that --		
284:03 - 284:03	Sweetin, David 2024-07-25	00:00:02	DS.343
	284:03 Q. (BY MR. EDWARDS) You ignored the --		
284:04 - 284:06	Sweetin, David 2024-07-25	00:00:06	DS.204
	284:04 A. -- that allowed them to arrive at their 284:05 decision. 284:06 Q. Right. You ignored their conclusions.		
284:07 - 284:07	Sweetin, David 2024-07-25	00:00:02	DS.344
	284:07 MR. CALB: Objection; form.		
284:08 - 284:12	Sweetin, David 2024-07-25	00:00:14	DS.205
	284:08 Q. (BY MR. EDWARDS) Right? 284:09 A. We didn't find any merit in it. 284:10 Q. You didn't find my merit in it. But you didn't 284:11 evaluate or investigate it. So how can you credibly say 284:12 you didn't find any merit in it?		
284:13 - 284:13	Sweetin, David 2024-07-25	00:00:05	DS.345
	284:13 MR. CALB: Objection; form.		
284:14 - 284:14	Sweetin, David 2024-07-25	00:00:03	DS.206
	284:14 A. We didn't.		
285:05 - 285:13	Sweetin, David 2024-07-25	00:00:29	DS.346
	285:05 Q. (BY MR. EDWARDS) Or are you going to do 285:06 anything differently? 285:07 A. Well, what I can tell you is that there's not a 285:08 day goes by that we don't evolve in some capacity, some		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	285:09 form or fashion. And that's based on the information 285:10 that we have at the time. For me to sit here and tell 285:11 you that we're not going to take heed or -- or give 285:12 credibility to somebody's statement or testimony, no. 285:13 We -- we very much would.		
286:10 - 286:14	Sweetin, David 2024-07-25	00:00:19	DS.207
	286:10 Q. (BY MR. EDWARDS) Okay. Well, let's say the 286:11 court makes a conclusion that people have died as a 286:12 consequence of exposure to the heat. Is it -- are you 286:13 going to disregard the judge's conclusions as well, or 286:14 will you take those conclusions more seriously?		
286:15 - 286:16	Sweetin, David 2024-07-25	00:00:04	DS.347
	286:15 MR. CALB: Objection; outside the scope, 286:16 form.		
286:17 - 286:25	Sweetin, David 2024-07-25	00:00:35	DS.208
	286:17 A. No. Just as we've done in the past, when we 286:18 were instructed to -- to do something, to execute 286:19 something or change the manner in which we do certain 286:20 protocols -- or have certain protocols, then we go along 286:21 with it. We've never not done that when we were 286:22 directed to do so. 286:23 Q. (BY MR. EDWARDS) All right. The agency -- 286:24 Other than the two studies you've mentioned, the agency 286:25 is unfamiliar with any other studies that show that air		
287:01 - 287:04	Sweetin, David 2024-07-25	00:00:15	DS.209
	287:01 conditioning protects people from the dangers of -- of 287:02 extreme heat exposure? 287:03 A. Yes, sir. These are the only two that I'm 287:04 aware of.		
292:06 - 292:08	Sweetin, David 2024-07-25	00:00:09	DS.210
	292:06 Q. Okay. And there's no penological purpose to 292:07 exposing prisoners or correctional officers to 292:08 dangerous, hot temperatures, right?		
292:09 - 292:09	Sweetin, David 2024-07-25	00:00:04	DS.348
	292:09 MR. CALB: Objection; form.		
292:10 - 292:10	Sweetin, David 2024-07-25	00:00:06	DS.211
	292:10 A. No, sir. There's no intended purpose.		
292:20 - 292:23	Sweetin, David 2024-07-25	00:00:14	DS.212

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	292:20 Q. You're -- are you -- are you aware that during 292:21 heat waves, it's even more dangers than other times for 292:22 inmates exposed to these -- to heat waves? 292:23 A. Potentially, yes, sir.		DS.212
294:11 - 294:23	Sweetin, David 2024-07-25	00:00:40	DS.213
	294:11 Q. But -- but heat waves -- heat waves are 294:12 particularly dangerous times. I mean, what if it was a 294:13 seven-day heat wave? Are there any policies or 294:14 procedures to evacuate the prison, to get them to a 294:15 cooler, safer temperature? 294:16 A. No, sir, just because there's a -- 294:17 Q. Okay -- 294:18 A. -- certain amount of consecutive days, we would 294:19 continue to follow our -- follow our typical protocol. 294:20 Q. Are there any plans or procedures in place to 294:21 rent or install temporary air conditioning during 294:22 lengthy heat waves? 294:23 A. No, sir.		
295:02 - 295:09	Sweetin, David 2024-07-25	00:00:23	DS.349
	295:02 Q. (BY MR. EDWARDS) During heat waves. 295:03 A. Well, again, they have access to air 295:04 conditioning upon request. 295:05 Q. Okay. But -- 295:06 A. Are you -- If you're saying just as a measure 295:07 of comfort, no, sir. If -- if there's a medical reason 295:08 or they're having difficulties or struggles, absolutely 295:09 they -- they have access to that through the respite.		
304:05 - 304:07	Sweetin, David 2024-07-25	00:00:12	DS.214
	304:05 Q. Okay. And, again, Representative Terry Canales 304:06 is somebody that you guys communicate with on a regular 304:07 basis, given his role on this committee?		
304:08 - 304:08	Sweetin, David 2024-07-25	00:00:02	DS.350
	304:08 MR. CALB: Objection; form.		
304:09 - 305:02	Sweetin, David 2024-07-25	00:01:09	DS.215
	304:09 A. Yes, sir. He's very much involved in -- 304:10 Q. (BY MR. EDWARDS) Well, here's what -- here's 304:11 what Representative Canales said, okay? "The reality 304:12 is, in Texas, we are cooking people in prisons." Does 304:13 that -- does that comment from a legislator cause you		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	<p>304:14 significant concern about the way you're handling</p> <p>304:15 prisoner safety with regards to extreme temperatures?</p> <p>304:16 A. No, sir. That, in and of itself, no, sir.</p> <p>304:17 Q. Okay. Well, if it were true that you were</p> <p>304:18 cooking people in prisons, or metaphorically cooking</p> <p>304:19 people in prison, you know, that's about as damning a</p> <p>304:20 statement as -- as -- as you could make to an</p> <p>304:21 administrator who's supposed to protect people, right?</p> <p>304:22 A. Correct.</p> <p>304:23 Q. Okay. Now, this part I think you may agree</p> <p>304:24 with, okay? This, installing air conditioning, is the</p> <p>304:25 right thing to do, it is the humane thing to do, and it</p> <p>305:01 is something we should have done a long time ago.</p> <p>305:02 You, as an agency, agree with that, fair?</p>		
305:03 - 305:03	Sweetin, David 2024-07-25	00:00:02	DS.351
	305:03 MR. CALB: Objection; form.		
305:04 - 305:04	Sweetin, David 2024-07-25	00:00:14	DS.217
	305:04 A. Yes, sir. I think that's a fair assertion.		
305:11 - 305:16	Sweetin, David 2024-07-25	00:00:16	DS.218
	<p>305:11 Q. (BY MR. EDWARDS) Does that make sense to you</p> <p>305:12 that just because you lack the money -- if you're</p> <p>305:13 violating The Constitution and exposing people to</p> <p>305:14 dangerous conditions when you have an obligation to</p> <p>305:15 protect them, that an excuse, "We don't have the money,"</p> <p>305:16 really is pretty hollow? Do you agree with that?</p>		
305:17 - 305:17	Sweetin, David 2024-07-25	00:00:06	DS.352
	305:17 MR. CALB: Objection; outside the scope.		
305:18 - 305:19	Sweetin, David 2024-07-25	00:00:07	DS.219
	<p>305:18 A. It could be if it was in that person's rightful</p> <p>305:19 hands to be able to make a difference.</p>		
306:01 - 306:12	Sweetin, David 2024-07-25	00:00:40	DS.220
	<p>306:01 Q. (BY MR. EDWARDS) You see the quote where it</p> <p>306:02 begins, "The reality"?</p> <p>306:03 A. Yes, sir, I see it.</p> <p>306:04 Q. Would you read that paragraph, just those</p> <p>306:05 three -- three lines, to Judge Pittman, please.</p> <p>306:06 A. "'The reality is what we're doing is</p> <p>306:07 disgusting. It's truly disheartening,' Canales told the</p> <p>306:08 House Corrections Committee last month. 'I don't think</p>		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	306:09 we have a money problem. I think we have a give-a-damn 306:10 problem." 306:11 Q. Now, that's pretty damning -- a damning 306:12 critique of the agency in the state of Texas, right?		
306:13 - 306:13	Sweetin, David 2024-07-25	00:00:03	DS.353
	306:13 MR. CALB: Objection; outside the scope.		
306:14 - 306:14	Sweetin, David 2024-07-25	00:00:10	DS.221
	306:14 A. Yes, sir, I would agree with that.		
307:08 - 307:11	Sweetin, David 2024-07-25	00:00:14	DS.222
	307:08 Q. Well, if you know something is hurting people 307:09 and you know how to fix it, but you don't fix it, 307:10 couldn't -- couldn't someone credibly say you don't give 307:11 a damn?		
307:12 - 307:12	Sweetin, David 2024-07-25	00:00:04	DS.354
	307:12 MR. CALB: Objection; outside the scope.		
307:13 - 307:14	Sweetin, David 2024-07-25	00:00:05	DS.223
	307:13 A. Well, someone could credibly say that about the 307:14 legislature as well.		
309:01 - 309:09	Sweetin, David 2024-07-25	00:00:30	DS.224
	309:01 Q. Sure. You would tell Lieutenant Governor 309:02 Patrick or Governor Abbott, or any senator, if asked, 309:03 "Should we provide the money to air-condition the Texas 309:04 Prison System," you -- you would say, "Yes, please fund 309:05 us for the good of the men and women working at TDCJ, 309:06 for the good" -- "for the good it will do in terms of 309:07 staffing and protecting those men, and for the good it 309:08 will do to protect the inmates from these dangers." 309:09 That's who you would say, right?		
309:10 - 309:10	Sweetin, David 2024-07-25	00:00:01	DS.355
	309:10 MR. CALB: Objection; form.		
309:11 - 309:14	Sweetin, David 2024-07-25	00:00:12	DS.225
	309:11 A. I don't know that it would be articulated like 309:12 that. But what I can tell you is, yes, sir, if given 309:13 the appropriate funding to do more than what we're 309:14 doing, absolutely. There's no reason why we wouldn't.		
310:16 - 310:22	Sweetin, David 2024-07-25	00:00:28	DS.226
	310:16 Q. (BY MR. EDWARDS) No, no. Sir, this -- this		

DS - David Sweetin

DESIGNATION	SOURCE	DURATION	ID
	310:17 person on the committee is saying, we'd like an 310:18 independent cost analysis, not -- not controlled by 310:19 TDCJ, given the agency's history of inflating the 310:20 numbers. In response to that, did the agency conduct or 310:21 seek out an independent cost analysis? 310:22 A. No, sir, not that I'm aware of.		
313:21 - 313:24	Sweetin, David 2024-07-25	00:00:14	DS.227
	313:21 Last -- last couple of questions go to this 313:22 heat sensitivity score. You have no idea how it's 313:23 actually calculated, correct? 313:24 A. No, sir.		
314:08 - 314:09	Sweetin, David 2024-07-25	00:00:04	DS.356
	314:08 Q. (BY MR. EDWARDS) No, and I -- I appreciate 314:09 that. You know, I could make an argument that you ought		
314:10 - 314:14	Sweetin, David 2024-07-25	00:00:16	DS.228
	314:10 to. But I -- I don't know for sure that -- As you 314:11 testify here today, though, you don't know what 314:12 percentage of people who are medically vulnerable are 314:13 not currently housed in air conditioning, correct? 314:14 A. No, sir, I do not.		
315:14 - 315:24	Sweetin, David 2024-07-25	00:00:34	DS.229
	315:14 Q. (BY MR. EDWARDS) Now, in this paragraph it 315:15 says approximately 80 percent of the heat-sensitive 315:16 inmates that -- however TDCJ categorizes them -- have 315:17 been relocated to air-conditioned beds. Do you see 315:18 that? 315:19 A. Yes, sir, I see that. 315:20 Q. That means 20 percent of heat-sensitive 315:21 inmates, according to you guys, which may very well be 315:22 very under inclusive, aren't in air-conditioned beds, at 315:23 least as of 2020. Do you agree with that? 315:24 A. I'm not sure I agree with that interpretation.		

Plaintiff Designations	00:34:26
Defendant Cross-Designations	00:46:28
Overlaps	00:51:15
TOTAL RUN TIME	02:12:09